



Royal Commission on the Pike River Coal Mine Tragedy
Te Komihana a te Karauna mōte Parekura Ana Waro o te Awa o Pike

UNDER

THE COMMISSIONS OF INQUIRY ACT 1908

IN THE MATTER OF

**THE ROYAL COMMISSION ON THE PIKE RIVER COAL
MINE TRAGEDY**

Before:

The Honourable Justice G K Panckhurst
Judge of the High Court of New Zealand

Commissioner D R Henry

Commissioner S L Bell

Commissioner for Mine Safety and Health, Queensland

Appearances:

K Beaton, S Mount and J Wilding as Counsel Assisting

J Haigh QC and B Boyd for Douglas White

J Rapley for Neville Rockhouse

S Moore SC, K Anderson and K Lummis for the New Zealand Police

N Davidson QC, R Raymond and J Mills for the Families of the Deceased

S Shortall, A Rawlings, A Glenie, D MacKenzie, A Gordon for certain
managers, directors and officers of Pike River Coal Limited (in
receivership)

C Stevens and A Holloway for Solid Energy New Zealand

R Buchanan for Fire Service Commission and West Coast Rural Fire
Authority

K McDonald QC, C Mander, and A Boadita-Cormican for the Department
of Labour, Department of Conservation, Ministry of Economic
Development and Ministry for the Environment

G Nicholson and S Steed for McConnell Dowell Constructors

G Gallaway, J Forsey and E Whiteside for NZ Mines Rescue Service

B Latimour for Coal Services Pty Ltd

N Hampton QC and R Anderson for Amalgamated Engineering, Printing
and Manufacturing Union Inc

**TRANSCRIPT OF PHASE TWO HEARING
HELD ON 6 SEPTEMBER 2011 AT GREYMOUTH**

Level 14, Prime Property Tower, 86-90 Lambton Quay, Wellington
P O Box 5846, Lambton Quay, Wellington 6145
Email: pikeriver@royalcommission.govt.nz
Freephone (NZ only) 0800 080 092

**COMMISSION RESUMES ON TUESDAY 6 SEPTEMBER 2011 AT
10.01 AM**

MR HAIGH CALLS

5 DOUGLAS HUTTON KIRKWOOD WHITE (AFFIRMED)

Q. Is your full name Douglas Hutton Kirkwood White?

A. Yes, it is.

Q. And you have with you, your brief of evidence?

A. Yes, I do.

10 Q. Could you read that please Mr White, from paragraph 2?

A. "I am currently employed by Centennial Coal as a mine manager at one of the ten coal mines. The mine I manage is Airly Coal Mine. I have held this role since the 6th of June 2011 and as a consequence, I now reside in Bathurst in New South Wales in Australia. I was previously employed by Pike River Coal Limited as a general manager. I was first employed as the operations manager in January 2010. I became statutory manager in June 2010 and general manager in October 2010. This was the position I held on the 19th of November 2010. My experience in coal mining began on the 3rd of September 1979. I started as a mining technician, mining craft apprentice in Scotland, where I did a four year apprenticeship in mining, which included electrical, mechanical and civil engineering. I completed my apprenticeship but the training course that would've lasted nine years in total was curtailed after four due to the onset of industrial action that lasted over a year. I left mining for a short period of time between 1984 and 1986. I'd worked in various jobs. I returned to coal mining in 1986 and worked in a number of mines in the United Kingdom between 1986 and 1990. All the coal mines I have worked in have been underground coal mines. In 1991 I emigrated to Australia. I was a deputy at the Gordonstone Coal Mine in Queensland in charge of a production crew underground. I held this role until 1997. From 1997 through until 2003, I worked in three other mines in Queensland. Firstly as a mine deputy at Laleham Mine, then a mining engineer, secondly as a shift

undermanager at Southern Colliery and then at Cook Colliery as a mining superintendent. Between 1995 and 1999, I recommenced mining studies by correspondence with the Central Queensland Institute of TAFE, attaining an associate diploma in mining engineering underground coal. In January 2000 I was awarded my undermanager certificate of competence issued by the Chairman of the Board of Examiners on behalf of the Queensland Government. In September 2001, I was awarded my first class mine manager certificate of competence, also issued by the Chairman of the Board of Examiners on behalf of the Queensland Government. In 2003 I started my own business a training business Central Highland Safety Services Limited. CHSS was a registered training organisation in Australia registered with the Department of Education and Training in Queensland and operated as a registered training organisation, focussed on the resources industry from July 2004. In practical terms, through this company I trained mine deputies, provided generic inductions, provided mining traineeships and mine supervisory services. I operated the company between 2003 and 2008. During the time the company was operating, I also managed coal mines on a contract basis. I managed Central Colliery, Southern Colliery and North Goonyella Colliery between the years of 2005 and 2008. I continued working in the Australian mines until 2008, when I was approached by the Queensland Government and worked as a regional manager for safety and health with the Queensland Department of Mines. As regional manager for safety and health in central Queensland district all of the mines inspector, senior inspectors and district inspectors for the mines reported directly to me. My job was to co-ordinate their activities with respect to mines inspections. I was also invited onto the Board of Examiners, the agency which presides over statutory qualifications and the Queensland Coal Mining Safety and Health Advisory Council a tripartite organisation made up of government industry and unions whose purpose is to take submissions from industry and advise the minister on the adequacy of mining legislation. During my first six months as regional manager for safety and health, I filled the

position of chief inspector of coal mines for Queensland until a new chief inspector was found. I then took on the role of deputy chief inspector of coal mines a job that was based in Rockhampton. As deputy chief inspector of mines I was responsible for co-ordinating activities of all the coal mines inspectors in Queensland. During my time in this position I reorganised the statutory examination process for mines officials in Queensland, I was instrumental in the introduction of a qualification for SSEs which is equivalent to general managers, in fact I wrote the exams, I introduced a training matrix for mines inspectors. I was also the lead person on the level 1 exercise task force. Level 1 exercises are conducted at underground coal mines every year in Queensland and involve creating scenarios for the mine in respect of emergency services are tested.”

Q. Just pause there please. We're stopped at the end of paragraph 19. I want to ask you at this point, were you ever in the Queensland mine rescue service?

A. Yes, sir, I was an active member of the Queensland mine rescue service for 13 years.

Q. Thank you, continue please at paragraph 20.

A. “In January 2010, I commenced employment at Pike River Coal Mine as the operations manager. I had been approached by a recruiting agency based in Brisbane and asked if I would be interested in a position in New Zealand. My position reported directly to the general manager of mines, Mr Peter Whittall. At the time of my appointment I had four direct reports, being the engineering manager, safety training manager, coal handling plant manager and production/underground mine manager. Although it was explained to me who my direct reports were at no time was I actually given an actual written position description. In the absence of a written position description I understood that my main responsibility was a guide to mine safety through the project phase and on into development of hydro-production. As such the focus at the time was getting the mine was actually to get started to get mining. Producing coal safely and productively. To this end I set about

identifying issues that were inhibiting the processes as I saw them. The shift arrangements at the time were such that training was very difficult and due to arrangement of the shifts, production was not continuous. There was also very little time for scheduled maintenance and I made a number of changes once I commenced to address and improve those matters.

5

1010

Q. Just pause there please would you, which is at the conclusion of paragraph 22. Can you explain to the Commission please the extent of the training available for miners and other staff members when you arrived at Pike River?

10

A. When I arrived the shift pattern was 12 hour shifts that in mining terms went head-to-head. The shift that was underground would come out and go before the shift that came on would start work. So there was no cross-over. There was a limited amount of people in the workforce at that time and it was very difficult to try and organise training on such a shift pattern. One of the tasks that I had been given, or I was given when I started was, to look at the shift roster system and come up with a better alternative and that's my terms of that, which I did. I implemented a shift system that removed the 12 hour shift system, which I have to say wasn't very popular with some of the workforce because they were travelling distances and when I say travelling distances, some of the workforce worked Christchurch and the time that they got off on the 12 hour system enabled them to travel back and forward, but for the majority of the workforce that worked in – sorry, lived in Greymouth, the 12 hour shift effectively meant a 14 hour day by the time travelling was done. So I reduced the shift time to 10 hour shifts on nightshift and nine hour shifts on afternoon shift and day shift. And I made the shifts cross-over so that production could be continuous on one hand, but on the other hand I allowed time every day between afternoon shift and dayshift for one hour's training to take place every day and also arranged that Friday would be a training day and half the workforce was trained on Friday.

15

20

25

30

Q. Were those meetings you've described and we'll come to this later, the toolbox meetings?

5 A. Yes they were. Toolbox meetings were part of that process, but there was formal training organised for one hour every day. And what would happen was the departments in the mine being mining, safety, engineering and forgive me I'm just trying to think how it went, there was the four departments in the mine that I mentioned, would present to the workforce any issues in that hour. For example, the technical services department would talk to the workforce about strata control. The mining manager at the time would talk about, obviously talk about production. 10 The health and safety manager would give talks on health and safety. So there was a specified hour every day on the afternoon shift for that and then on a Friday there was specific time allocated for the whole shift for training. And that was in addition to the toolbox talks. When the men came to work they went straight into the training which lasted an hour, then they went up to the lamp room to get the lamps on and that's where the toolbox talks that have been discussed yesterday were delivered to the workforce. 15

Q. Thank you, could you please continue reading now from paragraph 23.

20 A. "In June 2010 the production manager, mine manager resigned and I was appointed as a statutory manager of the mine in addition to my other roles. I did not receive a job description at that time, nor were there any changes to my employment agreement. My responsibilities further increased on or about October the 20th 2010 when I was appointed to the role of general manager. Again there were no changes to my employment agreement, nor was I provided with a written position description. After my appointment to general manager, the general manager role sorry, the roles directly reporting to me also changed. The technical services manager, environmental manager, human resource manager and the project co-ordinator, now all reported to me. 30

1015

Q. Just pause there please, which is at the end of paragraph 25. Can you put a name please to those managers who were reporting to you?

A. Yes I can. Start with the safety manager, that was Mr Neville Rockhouse. The coal preparation manager was Johann Copper. At the time the engineering manager was Rob Ridl. The HR manager is Mr Dick Knapp. The technical services manager at the time was Mr Pieter van Rooyen. The project co-ordinator was Mr Terry Moynihan who was a contractor. And, just excuse me, environmental manager sorry, was Mr Ivan Liddell.

Q. Now perhaps it would help the Commission if you spoke briefly about the supervisory levels below management, deputies, number of deputies that were in existence and working at the time of the 19th of November 2010?

A. Yeah. Below myself as a general manager I had a production manager who was in the process of gaining his New Zealand Certificate, that's Mr Steve Ellis. Underneath Steve we had four underviewers, they are called in New Zealand, equivalent under managers and we had 12 coalmine deputies.

Q. And on any working shift in the mine how many supervisory individuals would be there?

A. There would be one underviewer and up to three deputies.

Q. Now can you continue reading please from paragraph 26?

A. It was my understanding that the New Zealand mining regulations were comparatively less prescriptive than the more detailed Australian mining regulations, particularly those in Queensland. Further, no-one spoke to me in any detail about mining regulations in New Zealand. That said, I wish to be clear that I personally ensured that I was familiar with them and with the obligations that they conferred on me and on the company. I adopted the approach that Queensland seemed to set a higher benchmark and required higher standards in the terms of operations, especially in regard to safety and health, and in the absence of anything to the contrary in New Zealand, where possible I would seek to comply with the higher Queensland equivalent requirements. As manager of the mine I was based at the mine site. I was considered a person in control of the place of work for the purposes of the Health and Safety

Employment Act 1992 and the Health and Safety Employment Mining Underground Regulations 1999. I understood I was in control of the mine site when I was there as the most senior official. I also understood that the company continued to owe duties under those pieces of legislation.

5

Q. Pause there please, which is at the end of paragraph 28. How frequently would you go into the mine itself at the time we're concerned with?

A. There's been occasions where I've gone underground five days a week.

10

There's been occasions where I've gone underground one day a week. On most occasions I would be underground at least two days a week.

Q. And how long would these periods within the mine last, these visits?

A. Sometimes two hours, sometimes four hours, it all depended on what was actually happening in the mine.

15

Q. And when you were in the mine on these visits what issues were you looking at and raising if necessary with other miners?

A. My main concern underground was the health and safety of the workforce. I very rarely, if ever, spoke about production when I was underground and emphasised the need for good health and safety standards.

20

Q. And, for example, if there were health and safety issues spotted by you when you were in the mine what if any steps would you take?

A. Anything that I spotted in the time I was in the mine I would challenge right away and help put right.

25

Q. It was suggested yesterday that the company wasn't particularly forceful in ensuring the compliance with safety obligations and safety requirements in the mine. Do you have any comment on that?

1020

A. I think it was mentioned or asked yesterday if we actually sacked anyone. We didn't – in my time at the mine, I did actually terminate one person for a serious safety breach, but other than that it was my approach to encourage people to act safely rather than to take the big stick.

30

Q. Was there a reporting system?

A. Yes, there was. There was an incident reporting system.

Q. Right, can you now please move to paragraph 29, which is under the heading of, "My involvement in the events of the 19th of November 2010"?

A. "On November 29 – sorry, I do beg your pardon. On November 19th 2010, three mining crews A, B and C, were working their respective shifts. A crew had worked the nightshift and had finished that morning at 8 o'clock, having started at 2200 hours the previous night, or 10 o'clock. B crew had worked the dayshift commencing at 7.00 am and finishing around 1500. They had left the mine at approximately 2.50 pm. C crew, who remain in the mine, started their shift between approximately 1.00 pm and 1.30 pm. C crew consisted of 19 Pike River Coal employees. On 19th of November 2010, a number of contractors from independent companies engaged by Pike River to complete certain projects were also working underground in the mine. The companies that had contractors working underground were McConnell Dowell, Valley Longwall Drilling, Chris Yeats Builders, Boyd Killkelly Builders, Sub Tech Services and Graeme Pizzato Builders. At about 3.40 pm, I was in a meeting with Steve Ellis and George Mason in my office in the main administration building. I recall that the lights in my office flickered, however this is not an unusual occurrence and at the time did not think it was unusual. There have been occasions in the past where power had failed temporarily, the exact nature or timing I could not be specific about. My understanding was that as a consequence of being potentially at the end of the electrical supply line, and on a remote site, power interruptions could and did happen. For that reason, the lights flickering did not cause me any particular concern. At about 3.50 pm I was contacted by Dan Duggan, the control room officer, at Pike River on duty at the time. He advised me that communications from inside the mine had been lost. This was also something that had occurred in the past and therefore at the time did not appear to be anything to be alarmed about."

Q. Now, just pause there please, which is at the end of paragraph 34. What system of communications was Mr Duggan advising you had gone down?

5 A. He was referring to the monitoring systems, the systems that tell us what's happening in the mine with respect to gas monitoring and whether or not the fans are on.

Q. And this is not the telephone system or the DAC system?

A. No.

Q. They continued to operate?

10 A. They did continue to operate.

Q. Can you continue reading please from paragraph 35?

15 A. "I finished my meeting and then went outside. While standing in the carpark near the main administration building with Rob Ridl, engineering manager and some other staff, I noticed an unusual smell in the air, like excessive diesel exhaust fumes or similar. I then went to the control room and asked Dan Duggan to keep trying to contact the underground staff. In the control room Dan Duggan was trying to contact people underground by calling on the DAC system and calling the panels on the telephone system. The DAC system is an intercommunication system
20 used between the miners in the underground and the surface in the control room. The computer monitor screens in the control room were flashing red indicating a fault, which is consistent with the communication systems not working. Dan told me that the COMMS, the communication system had failed and that he was trying to raise contact
25 to people underground on the phones and the DAC. I instructed Dan to keep trying to make contact with the underground and advised him that I would go to the portal and test the communication system there. I was in the control room for approximately 10 minutes and directly from there, sometime shortly after 4.00 pm; I drove my vehicle to the portal."

30 1025

Q. Just pause there would you please, which is at the conclusion of paragraph 41. How accurate are you as to the exact times?

A. Oh, I wouldn't stake my life on the exact times, they're an approximation of what I can remember.

Q. Over to paragraph 42 please.

5 A. "I went to the portal to check the DAC system was working from there. I was unaware at this time there had actually been an explosion."

Q. Now if you can just pause there please and if we can call up on the computer CAC0015 which is the portal camera showing the arrival of Mr White. Just pause there please. Is that you?

FOOTAGE FROM PORTAL CAMERA PLAYED

10 A. That is me.

Q. And you're going into the communications provision within a short distance within the tunnel?

A. Yes I'm going to check the DAC which is the square box that's attached to the wall. As you look at the screen on the left-hand side of my head
15 about a metre away.

Q. Continue please with the video. We can see your arm there, is that you utilising the DAC system?

A. That was me contacting Dan Duggan on the DAC and to ensure the system was actually working to that point.

20 Q. Thank you continuing playing please. Was all that time spent speaking to Dan Duggan?

A. Yes it was.

Q. Just pause there please. You were out of view here, but is that white object on the floor of the mine, of the drift there, is that the brattice that
25 we've heard about?

A. That is a piece of brattice, yes sir.

Q. Continuing playing please. Just pause there please. We see you've taken away the brattice, why was that?

A. When I arrived at the portal as I go on later to say in my brief, nothing
30 actually appeared out of place, other than the piece of brattice that was lying on the ground which had a tyre mark across it. I thought that the brattice had fallen from a vehicle that had been bringing rubbish out the mine, so to tidy it up I moved it out the way.

Q. And just as you did so, we saw a vehicle arrive. Who was in that vehicle?

A. Rob Ridl, the engineering manager and one of the contractors called John Heads who was engaged on various tasks with the implementation of electrical systems.

5

Q. If we can just leave that on the screen please and I'll get you then to continue reading from paragraph, we've effectively done paragraph 46, 47 please.

A. "I contacted Dan Duggan on the DAC –"

10 1030

Q. Actually can you pause there please? I've skipped ahead there, so if you go back to 43, read from there just so we get it in correct order.

A. "As I said earlier, I was unaware at this stage there had been an explosion. When I arrived at the portal, nothing appeared to be out of place or unusual except for a piece of brattice that was lying on the ground. Brattice is a fire resistant anti-static cloth used to direct ventilation inside the mine. I moved it aside, I assumed it had come from out the mine as part of a piece of rubbish and dropped out of a machine bucket. While its presence was messy it was not of a concern."

15

Q. Just pause there please, at the end of paragraph 44, is there another description of brattice?

A. The actual description for brattice is fire resistant anti-static cloth.

Q. And its purpose?

25

A. It's purpose it to direct ventilation temporarily around the mine.

Q. Continue reading from paragraph 45 please?

A. "It seemed to me that the ventilation was operating normally and I did not notice any unusual smell. The smell I had noticed outside administration block was not present. I checked the DAC communication system situated at the portal entrance and it seemed to be functioning correctly. I contacted Dan Duggan on the DAC just inside the portal and established that communications were working to that point. While I was at the portal Rob Ridl and John Heads arrived.

30

Rob and John had travelled to the portal to check the condition of the electrical power at that point at the substation. I was unaware that the power was out and was only made aware of that when I spoke to Rob and John at the portal. They had acted on their own volition at this point. I had not instructed them to go to the portal but that was a decision that Rob Ridl in his capacity as engineer and manager was able to make without needing to consult with me. They were trying to establish the reason for the power outage and establish that the power at the substation was on. Rob Ridl then told me he had sent Mattheus Strydom, electrician, to reset the power underground.”

5
10
Q. Just pause there, the end of paragraph 49. Can we take it there that Mr Strydom was in the mine at the time that you arrived outside the portal?

A. Yes, from what I know now the tyre marks that were on the piece of brattice would've been those caused by the vehicle that Mr Strydom drove into the mine.

15
Q. Continue reading please from paragraph 50.

A. “I was at the portal for a period between five and 10 minutes. I then returned to the control room sometime after to see what was happening with the communications and whether Dan had managed to make contact with anyone underground. Shortly after I returned to the control room I received a phone call from Mattheus Strydom. My understanding at the time that he'd made this call from the decommissioned fresh air base inside the mine, located approximately 1500 metres. He stated that there was an unusual smell in the mine and he felt disorientated and he could see a person lying on the ground next to the juggernaut about 50 metres from where he was.”

20
25
Q. Just pause there please, at the end of paragraph 52. Having heard the evidence of Mr Strydom yesterday, where do you now understand that he made the phone call from?

30
A. From the communications position just outside the portal.

Q. How far into the portal would that have been?

A. It was actually just outside the portal.

Q. Oh, outside the portal, sorry.

A. That's my understanding, or it may well have been the communications one that I used myself.

Q. Well, that would've been the DAC system?

5 A. That would've been the DAC system, yes.

Q. Continue reading from paragraph 53.

A. "Mattheus Strydom told me he was unable to reach the person and his vehicle engine began to cut out. I felt the conditions in the mine at this time meant that he could not remain in there or do anything else. I
10 instructed him to leave the mine and get back to the surface. Putting all the information available to us together, I reached the conclusion that we had had some kind of major event underground. I instructed Dan Duggan to contact the emergency services and a helicopter was ordered from Greymouth."

15 Q. I want you to pause there for a moment please which is at the conclusion of paragraph 55 and go back to paragraph 52, where you've recorded that you understood at the time that Mr Strydom was speaking to you from the decommissioned fresh air base, correct?

A. At the time I understood that yes.

20 1035

Q. To your knowledge, given the decommissioning, to your knowledge at the time, was there still a phone operating from that base?

A. To my knowledge at the time there was a phone in the base and at the time my knowledge was that phone was operating.

25 Q. You've now heard otherwise yesterday?

A. Yes I have now heard otherwise.

Q. Carry on reading please from paragraph 56?

A. "Dan Duggan and I were in the control room at this time and I think Rob Ridl also came in at some stage, although I cannot be certain. Dan
30 made his calls to the emergency services notifying them that we believed there had been an explosion underground. At the time the only two senior Pike staff on site were Rob Ridl and myself. Terry Moynihan, who I explained earlier, was a contractor, was also on site. This was a

consequence of it being late on a Friday afternoon. Throughout the week the majority of senior staff were still on site until after 5.00 pm, having commenced at 7.00 am or earlier, so finishing between four and 4.30 on a Friday was not unusual. I activated the Emergency Response Management Plan. This Plan has previously been provided to the Commission and is labelled document DAO.001.00096/1. This is a Plan that was in place at the time of the incident, which I activated and followed. As prescribed by that Plan I started to allocate duty cards. I also asked that all management team, who were most of which on their way home, be recalled. As a statutory manager I was aware that I needed to take control of the following incident. I believe I did so. In the first instance implementing the company's Emergency Response Management Plan, as noted above. The first step in the process was allocating duty cards."

5

10

15

Q. Before we move on to part two of your brief can we just have that video clip from the portal completed please, followed through. So I want you to see whether Mr Ridl is able to be observed, together with the contractor?

DVD FOOTAGE PLAYED

20

A. No.

Q. Clearly not. Pause there please. Who are those two?

A. The gentleman with the orange and blue reflective jacket on is Mr John Heads. The gentleman with a blue chambray shirt on is the engineering manager, Rob Ridl.

25

Q. Where were you at this point?

A. By that time I had returned back to the – I was on my way back to the control room.

Q. In your vehicle separately?

A. In my vehicle separately, yes sir.

30

Q. Well perhaps we'll just have a look at what happens while those two are present. So we continue playing that please.

DVD CONTINUED TO BE PLAYED

Q. Who's that person?

A. Sorry, I tell a lie, that's, yeah, I thought I'd seen my vehicle at the end of the last clip disappear but that's me there standing, talking to John Heads and Rob Ridl. Do beg your pardon.

Q. Did Mr Ridl advise you at this point that Mr Strydom was in the mine?

5 A. No, I was unaware of that at that point.

Q. That's probably all what we need thank you. Just for the record that was the second clip in CAC0016. Now will you continue reading Part Two, which relates to the cause of the loss of life, the search, rescue and recovery operations, and read from, deal under the heading of the cause of the loss of life, perhaps you can just read from paragraph 62 please?

10

1040

A. In paragraph 62, "I'm not in a position, to comment on the likely injuries, the actual cause of death or the likely timing of the deaths of the men. I make this statement due to the fact that the actual location of the explosion at the time or to date has not been determined. Location of the explosion would have to be known to accurately determine how the men died and what injuries may have been inflicted on them and how quickly the men died."

15

Q. Now, moving to your evidence in relation to the search, rescue and recovery operations, can you read from paragraph 63 please, which is under the heading "Relating to the chronology of events and actions from the time of the first explosion"?

20

A. "To provide context to this evidence I am able to be quite detailed in my recollection of the events of the 19th of November 2010, as in my capacity as statutory mine manager having control the mine, I made notes of the actions that I took in the limited time that I had available. I have been able to draw on these notes to assist me in preparing this evidence."

25

Q. You've attached a copy of your handwritten notes to your brief, have you?

30

A. I've attached a copy of my handwritten notes which are attached to the evidence as WH1001.1. "In my role as statutory mine manager I believe

myself to be in charge of the mine and managing the response to the incident from the time I became aware of the incident on the 19th of November 2010. My notes were intended to record the actions I took in that capacity. I've read evidence provided by Superintendent Gary Knowles –

5

Q. You don't need to specify the brief number, just read out what the paragraph is you're referring to.

A. "And I note that he states at paragraph 61, 'By 5.26 pm, it had been determined that Sergeant Cross at the mine site that Mines Rescue was to take the lead for any rescue or mine entry and St John Ambulance for any injured miners.'"

10

Q. You've just quoted there, finished a quote from Mr Knowles evidence?

A. Yes.

Q. Carry on reading please.

15

A. "That's not something that he confirmed with me, but in any event it was consistent with my approach that as in charge of the situation I needed to manage the various specialist agencies on site. He also states in paragraph 64 of his evidence, 'At 5.40 pm, Deputy Commissioner Rickard confirmed that police would act as a lead agency'".

20

Q. That's end of quotes.

A. "Again I was never advised of this and therefore I continued to act on the assumption that I was in charge at the mine site."

Q. Take your time.

25

A. Yep. "Once it became clear to me that New Zealand Police had assumed responsibility for management of the incident, from when I returned to the mine site at 6.00 pm on November the 20th 2010, I ceased making the notes that I referred to earlier. Notes were made by the police on the incident management team meetings during which decisions were made and notified. Once I started using the duty cards as the first step in the emergency response management plan – issuing the duty cards, sorry – I started the process of identifying who was underground. I contacted the Pike River head office in Wellington and

30

5 instructed the staff at the main gate not to let anyone in or out of the mine. We started to gather names from the tag board of the people who were underground and isolated the tag board so that no one else could put their tags on. I spoke to Peter Whittall, the CEO of Pike River Coal at approximately 4.45 pm and instructed him that we had a major event underground, most probably an explosion, and I was going to fly up to the fan shaft and try to verify that. Before departing for the fan shaft I instructed that no one was to leave site and that no one except emergency services or returning senior management were allowed back on site. I also delegated some actions to Rob Ridl and Terry Moynihan, the precise nature of which at this stage I could not recall. Over the next 10 60 minutes staff started to re-assemble and duty cards were issued. In my absence, whilst I was flying up to the fan shaft, these were issued by Neville Rockhouse from the control room. The helicopter arrived and I boarded it approximately 5.15 pm. I organised a helicopter so I could fly up to the shaft and ascertain if there had been an explosion and if so to what extent the explosion might be. There is no other way, other than walking, to get to the fan shaft so a helicopter was the most expedient means of transport. The helicopter flew up the valley towards where the 15 vent shaft is located. I saw white or wispy smoke coming out of the fan evase located at the top of the vent shaft. I observed damage to the louver doors in front of the evase although the blast doors were still in place. There was also damage to the communication shed and the generators located near the evase.”

20
25 Q. Can you pause there please which is at the conclusion of paragraph 80 and I want to refer to a photograph produced as exhibit 15 and in the first instance photograph 0791. 0791 which is page 14.

WITNESS REFERRED TO PHOTOGRAPH BOOKLET

30 Q. Now Mr White, now I don't think you've got a booklet of photographs in front of you but you have clearly got it on the screen, first of all these photographs are described as being taken on November the 19th. Do you know who took them?

A. They may have been taken by a young surveyor that we had, who I recall flew up back over the site for the express purpose of getting photographs after I returned to the mine site.

5 Q. Well now, looking at the photograph there, perhaps if you can stand up and use the laser light there and point out the various parts of the ventilation shaft and the control shed and describe what you saw when you flew up there?

A. Starting from this side, these two orange boxes are the emergency generators. In the event of a power cut from the normal power supply these generators kick in and supply power to the mine for – to keep the fans running and for the emergency communications. Next to the generators this is what's been referred to as a communication shed. This is a marshalling area for the role of the electronic monitoring and sensing equipment underground. It comes into this shed here and then
10 by either radio link, I'm not exactly sure, but radio link of fibre optic cable, that information is then transferred to the control room.

15 Q. So is that the heart, as such, of the controls monitoring the gasses and other events in the mine?

A. The information that's contained in the control room on the screens for gas monitoring, for fan monitoring, for pump monitoring, for all the telemetric monitoring systems, is marshalled in this area here and then distributed to the control room.

20 Q. And what's the oblong object there at the rear of that photograph?

A. Just here?

25 Q. Yes.

1050

A. That's the air lock for the fan. The fan that we see in the next photograph, but what we can see part of here, was the original fan that was in place at the mine when I started in 2010.

30 Q. And that is 0794 on page 15 at the bottom right-hand corner.

A. If we could just go back to the previous photograph.

Q. If we could thank you then, 0791.

- 5 A. What this photograph shows is that the air lock doors, whilst this door here is clearly visibly open, there would also have been a door inside this container here, it shows that the doors have been blown open which has caused some of the damage, or most of the damage to the communication shed.
- Q. Where's the actual exit from the ventilation shaft?
- A. In relation to this picture the actual fan evase outlet would be over here somewhere, which exhausts to atmosphere.
- Q. And that's where, if anyone had been able to climb up the ventilation shaft, they'd have removed?
- 10 A. They would've come out here.
- Q. Where's the exact position?
- A. There, from this door here.
- Q. Through that door.
- 15 A. That door goes into the shaft.
- Q. Now, having observed this from the helicopter, what did you conclude?
- A. Well, the other thing that I observed on the next photograph.
- Q. We'll move to that then, 0794 please.
- A. These doors here a function of any fan, any major ventilation device, they're called blast doors, and in the event of an explosion, those doors are supposed to be dislodged. In this case what I noticed when we flew over, as I said earlier, I noticed the damage to the generators, the damage to the control shed, but I also noticed that there was minimal disturbance of the blast doors.
- 20
- Q. And that's effectively the decommissioned ventilator fan?
- A. At the time of the explosion, this was now the spare mine fan.
- Q. And wasn't operative on the 19th of November?
- A. No it was not.
- Q. What did that tell you the fact that the door had not been dislodged?
- 30 A. It made me think about the ferocity of the blast. There has been, I'm not an expert on mine explosions, but in 1994, when a similar accident at Moura the blast doors were blown right off the fan.
- Q. Is that a mine in Queensland?

A. That's a mine in south of Queensland, yes, the doors were found some location away from the fan itself.

Q. Well, did that lead you to believe the explosion had been significant or otherwise?

5 A. It was still significant in the respect that it had lifted the blast doors, but more telling was the damage that it had done to the communication shed because if the air lock doors were closed, it would've meant that the blast from the explosion had to blow open the air lock doors and then cause the damage that you saw in the photograph.

10 Q. And how would you describe the extent of the damage to the control shed?

A. Severe.

Q. Anything else you want to point out in those clips?

15 A. Just on this one here the fan evase that we spoke of is in this position here and then the auxiliary fan which was part of this set up as well when this was a main fan, is off to this side here, so when we had this set up as the main fan before we commissioned the fans underground, there was also an auxiliary fan in the event of this fan ceasing, the auxiliary fan kicked in automatically and provided just enough air to
20 keep the mine ventilated but at that stage, if that was the case, there wouldn't have been any power on underground or anything, it would've discontinued the power.

Q. Could we just go back please to 0791? The generators which we can see in the two orange boxes, what were they generally used for? "Back
25 up," did you say?

A. They were back up generators. In the event of normal power failing, the generators kick in automatically and provide enough power to run the fan and keep the ventilation system running throughout the mine.

1055

30 Q. Does that include the newly installed fan at the bottom of the ventilation shaft?

A. I can't confirm that conclusively but my understanding it would've been enough power to run that fan but it wasn't enough power to provide any power to any machinery or anything underground.

Q. If you can continue reading from paragraph 81 please?

5 A. From what I saw at the fan shaft I concluded there had been an explosion underground. The helicopter then flew back to the administration building and I returned to the control room. I got out of the helicopter around about 5.29 pm. Dan Duggan, Terry Moynihan, Rob Ridl and Neville Rockhouse, I think, were in the control room at this
10 time. I was informed by Dan that Emergency Services and Mines Rescue were on their way. The computers in the control room were still showing fault conditions. When I returned to the control room Dan Duggan was speaking to Daniel Rockhouse on the phone. I also spoke with Daniel who told me he had seen a flash, heard a bang and
15 that he did not know exactly where he was and he was disorientated. I told him to keep himself low and get out of the mine. I believe this is consistent with the evidence Daniel has given in his statement to the police, in particular paragraph 32, it's where he quotes, "I initially got hold of Dan Duggan in the control room. I then spoke to Doug White
20 and he reassured me saying, 'You can make it, get to the fresh air base and stay low.'" I'm aware that Daniel Rockhouse has now given different evidence about the conversation with me. I can only emphasise that I told him to get out the mine and to get low whilst I was doing that, to try and get as much air from the lower levels as possible.
25 I would never have told him to go back in, given the circumstances he had described to me, and I'm certain I did not direct him to do so, or anything else along those lines.

Q. Just pause there, at paragraph 88. There does seem to be some confusion here Mr White. Looking at paragraph, confusion in the
30 wording of your brief. Paragraph 8 refers to 88, your having heard that, or been told that, Daniel had given a different explanation as to what had occurred and what was said, suggesting that you had told him to go

back into the fresh air base located at the Slimline shaft. Now you now understand that's incorrect?

A. That is completely incorrect, yes sir.

Q. Where did you get that information from?

5 A. That was put to me at my interview in Greymouth, when I was interviewed by the Department of Labour and the police.

Q. Was it your understanding that what was put to you was that Daniel had suggested that he go back into the fresh air base, that is back into the mine, fresh air-base commissioned one located at the Slimline shaft?

10 A. It was put in a way to suggest that, yes.

Q. So, he made it clear himself yesterday that wasn't so. Is there any confusion over whether you said to him, other than getting out of the mine, staying low and going to the fresh air base, that is the decommissioned fresh air base?

15 A. No, there's no confusion about that at all.

Q. Did you use the words, "Fresh air base," when telling him to get out of the mine and keeping low?

A. I can't recall saying that, but I may well have done.

Q. What would you have been referring to?

20 A. I would have been referring to the one at the 1500 metre mark in the drift, which had a telephone. I believe it had a telephone in it.

Q. And did you understand there to be any self-rescuers there at the time?

A. No, I knew that there were no self-rescuers at all at that location.

25 Q. He said yesterday that you told him to keep low, to get out and to communicate further with you as he exited the mine. Is that your understanding?

A. That is correct.

Q. And you got your reference to the telephone call?

30 A. That's my reference to the telephone I thought was operable at that location.

Q. Continue reading please from paragraph 89?

1100

5 A. “Whilst exiting the mine Daniel came across his colleague Russell Smith lying in the drift and assisted him to exit the mine. Daniel Rockhouse and Russell Smith eventually got to the portal and out of the mine, but I cannot be exactly certain of what time this was. Regrettably due to the fact that so much else was going on, I accept that I overlooked sending someone to the portal specifically to meet Daniel and Russell when they came out. However, it is a fact that they were met within minutes when they came out and promptly treated by the emergency services. I do not believe that this omission, while still regrettable, caused any actual harm.”

10 Q. Carry on please.

15 A. “After speaking with Daniel Rockhouse I together with senior management available to me continued to take steps to secure the mine site and identify who was still underground at the mine. At around about 5.30 pm the various emergency services arrived and commenced their operations. At this time I was introduced to Sergeant Dave Cross who is the most senior police officer on site was the police incident controller. Sergeant Cross didn’t personally notify me he was the police incident controller, but I do recall that during the course of the night he started wearing a luminous yellow vest labelled, “Police incident controller.”

20 From the time of Mattheus Strydom’s phone call and from my forming the conclusion that there had been a major event underground, most likely an explosion, I was constantly busy. Ensuring the security of the site, identifying who was on site and underground, travelling up to the vent shaft, liaising with emergency services, taking many phone calls and a range of other matters. Shortly after police and Mines Rescue Service arrived there were briefed by me. I am aware that Mines Rescue staff have stated in their evidence that I did not meet them on their arrival. I cannot recall this being the case. I must’ve been

25 busy at the time with something else as part of trying to quantify the magnitude of the situation. I was focused on trying to establish exactly who was in the mine, how we could establish monitoring so that we could work out the conditions in the mine – what the conditions in the

30

mine were. That was vital to being able to make a decision as to whether or not we could send anyone into the mine. It was exactly the sort of information that Mines Rescue needed. In any event my recollection is that once I became aware that Mines Rescue had arrived,
5 I met with them promptly and briefed them on the information that we had available. I do not believe that if I did not in fact meet with Mines Rescue immediately on their arrival, that this disadvantaged them in any way or in any way harmed or delayed our operations. As I noted above, I was focused on trying to get information about the conditions
10 within the mine and the monitoring and the information that Mines Rescue needed that information. And I believe they have acknowledged that in their evidence.”

Q. You’re quoting there from paragraph 28 of Mine Rescue Services brief of evidence?

15 A. Yes I am.

Q. Read that out please.

A. “MRS personnel worked on an operational plan for the deployment of its teams. A number of critical tasks such as ventilation and gas sampling needed to be made before MRS could deploy teams underground.”

20 Q. And at the conclusion of paragraph 95, so carry on please.

A. “I made it clear to Mines Rescue as soon as I spoke with them that no-one was to go underground. They were clear that this was because I could not be satisfied it was safe to do so. I simply did not have the necessary information on the underground conditions and I was not
25 prepared to risk another life. Again I believe that this is consistent with the Mines Rescue evidence, the evidence of Mines Rescue is that they arrived at the mine site at approximately 6.30 and that Rob Smith found me and spoke to me sometime between 6.30 and 7.00 pm.”

Q. I want you to pause there please, which is at the conclusion of
30 paragraph 96 and ask you about this decision not to send anyone underground. And is that a reference to not sending anyone into the mine at that point to rescue or endeavour to rescue the miners?

A. That is correct.

Q. Can you – did you maintain that position?

A. I've maintained that position since then, sir.

1105

Q. I'm talking firstly about rescue –

5 A. Firstly, yes, I did.

Q. – not recovery?

A. No, no, firstly off the first instance it was absolutely crucial that no one be allowed go in the mine without the requisite information.

10 Q. Did the Mines Rescue Services staff at any time argue against your decision?

15 A. There were a number of occasions on the nights after the explosion where I debated things with individual Mines Rescue members who were, I think it's fair to say, frustrated that they couldn't actually get into the mine, but they well understood the reasons why they could not enter the mine.

20 Q. And we're going to deal with the methodology of monitoring the mine, given the controls within the mine weren't available, but why, given that there have been suggestions that there should've been a rescue attempt endeavoured, why was it you continued to maintain this position?

A. There was not enough information with respect to the conditions underground with respect to gases or in fact whether or not there was still a fire underground.

25 Q. Did endeavours continue by utilisation of the phone and DAC system to try and locate miners?

30 A. Yes, he did. Every half hour the DACs were utilised by pressing and shouting and opening up the DAC system. I think to explain for the Court the DAC system is entirely linked and in the event that there is an event, you can open all the DACs at one time and wherever the DACs are located in the mine, people should hear you speak. That was done every half hour. The telephones were called. All the telephones that we assumed at the time were still working and we'd no reason to believe otherwise, were phoned every half hour as well.

Q. When you say you had no reason to believe they weren't working, what do you mean by that?

5 A. To my recollection, all the phones would ring with the exception of one, which – and I can't recall what number of phone it was, but one phone just returned static. The other phones that were tried all rung. They were never answered. When I say rung, the dialling tone could be heard on the phone.

Q. How many phones were located in total underground?

10 A. Oh, I couldn't answer that with any accuracy. There would've been, there was phones at every electrical substation, there were phones at the fan site underground. There was a phone at the Slimline shaft fresh air base. There were phones at the DCB. I can't confirm that there were phones actually behind the miners, but the DACs were kept up as close as possible to the mining locations.

15 Q. Was there any system or plan whereby miners knew where phones were located?

20 A. Well the phones themselves, they would've had to walk past to go to the face, if they passed the electrical outlets, the DCB, and the DACs also were located as I said in relative proximity to the working face, so they had to actually pass the locations to go to the face to work.

25 Q. Other than discussions with individual members of Mines Rescue Services, who were understandably keen to make an entry, did those in charge of Mines Rescue Services ever say that they disagreed with your decision that it was too dangerous to send in a rescue team?

A. No.

Q. Can you continue reading please from paragraph 97?

30 A. "I also note that Mines Rescue did not make any formal request through Trevor Watts, the general manager, to go underground until Wednesday, the 24th of November 2010. I had a number of people assisting me doing various tasks that were required as part of the emergency response management plan, including the securing of the tag board and making sure no one removed or added tags. I believe

5 this particular task was assigned to Mr Gareth Thomas. I directed the
human resources manager, Dick Knapp, to verify who was on site. We
went through a process of elimination to be absolutely sure who was in
the mine and that was one of our main areas of focus at the time. As
10 efforts were being made to establish the identity of people in the mine, I
continued to brief the mine rescue services. An incident management
room was set up in the site boardroom and all the activities that were
happening on site from that point on for the rest of the night were
channelled through into the incident management team, the IMT, which
15 was based in that room. I believe that I was actively involved in the
establishment of that room and of the establishment of the incident
management team. I made a decision to have the men return to the
vent shaft with hand-held monitoring devices and sample bags to try
and recover samples from the atmosphere coming from the shaft. This
20 was necessary as we were unable to get the atmospheric information
we would ordinarily get from the mine due to the explosion and the likely
destruction of the information and/or equipment that provided that
information. First samples recovered from the shaft by hand-held
monitors indicated over 800 parts per million carbon monoxide. Bag
25 samples were taken and flown to the mines rescue station in Rapahoe
for analysis through the gas chromatograph. The first samples
recovered indicated hydrogen, 298 parts per million, ethylene 33 parts
per million, ethane 9 parts per million. All indicators of a fire or
advanced oxidation underground. This was in accordance with the
emergency response plan, namely flying the samples to the mines
rescue station in Rapahoe.”

Q. Now, just pause there please, at the end of 104. Can you elaborate on
what impact that had on you when you received the print out as to the
content of the test samples taken?

30 A. From the information that was given, it indicated that because the
gasses that were being displayed were higher hydro-carbons, being
hydrogen, ethane and ethylene, indicated that there was the possibility
of some form of combustion still happening underground. Hydrogen

and ethylene and ethane are all driven off from a coal fire, so it was an indication that there was either still a flame underground or possibly still coal burning.

Q. Read from paragraph 105 please.

5 A. "Due to the potential hazards that personnel were being exposed to by the gathering of sample, a number of alternative methods for gathering samples were explored. The potential hazards arose from the fact that people had to enter the fan housing, through the air lock doors and hold a gas monitor over the top of the shaft. Dropping a hand held monitor
10 down the shaft on the end of a fishing rod was one of the methods considered. This method was discounted as it relied on people entering the fan housing."

Q. Just pause there please which is at the end of paragraph 106. There has been significant criticism of the proposed use of a fishing line for
15 this method and particularly its lack of sophistication if you like. Can we have your comments on what was proposed in terms of using this item?

A. At the time it was obvious that we had absolutely no means of securing any form of gas samples from the underground. What we were trying to do was establish some form of sampling. The mini gas theory was one
20 that I proposed myself, in fact, the fishing rod was my fly rod, and the intention was that we would drop the mini gas into the shaft, the mini gas is able to measure and record gases at certain levels, the idea being that where we were taking the gas samples from the top, the samples were being grossly diluted by oxygen and the atmosphere
25 roundabout, so we wanted to try and get some form of monitoring further down the shaft so we could actually determine, without the influence of other gasses from the atmosphere, what the actual gasses were, so in effect, trying to reduce the chances for dilution.

1115

30 Q. If you had someone standing over the ventilation shaft and dropping just on a line as though, stood at the top of the ventilation shaft, the monitor down, what if anything would you anticipate the impact to be on an individual standing there?

A. Given the results that I mentioned earlier, especially 800 parts per million CO that would've put a person at particular risk had they not had any form of breathing apparatus.

Q. So was the fishing line utilisation adopted?

5 A. No it was not.

Q. What alternatives were used?

A. The first reliable stomach pump that we were able to use, sorry, the first reliable vacuum pump that we were able to use was actually suggested by one of St John's ambulance men, was a stomach pump from an ambulance. And it actually proved to be very effective.

10

Q. Was that used on the ventilation shaft, borehole or the slimline shaft?

15

A. It was used on the ventilation shaft. We had some – I think from memory it was around about four to six millimetre flexible plastic tube that we coupled up to the stomach pump. From memory I think it was somewhere roundabout 40 metres. I won't be quoted on that. And what we did was prior to engaging in that process we actually tested the pump on the surface to make sure that we'd suck a sample over 40 metres. What that effectively did was give us the ability to sample remotely without putting anyone in a direct line of any potential explosion that might happen.

20

Q. Now you can read now if you would from paragraph 107, which you've effectively covered but I want you as a matter of record to read that please?

25

A. The most reliable method for gathering samples with equipment to hand was to rig up some flexible tube to the stomach pump from the ambulance and use the pump to suck samples from the shaft. I am aware there has been criticism of the methods used for gas sampling at the time, including the consideration of a fishing rod to lower bags into the mine and obtain samples. What these admittedly creative measures illustrate is that we were dealing with a major incident with a number of unknowns. The incident had resulted in the loss of all gas sampling and mechanisms from within the mine and in the absence of those we had no option but to think outside the square to try and obtain the necessary

30

information. It took a considerable amount of time to conclusively account for those underground, as some people from the previous shift had not removed their tags from the tag board when they came out from the underground and other people later identified as being underground had not placed their tag on the tag board when they had gone underground, as is correct practice.

5

Q. Just pause there, which is at the conclusion of paragraph 109 please. And I want to ask you some questions about the tag system. In general was it a reliable guide as to who was in and who wasn't in the mine?

10

A. Yes it is. It's a system that's used to my knowledge throughout mines in Australia. It's used quite successfully. It has actually been used at every mine I've worked at in my career in Australia and it was in place and working as effectively as possible at Pike River Coal Mine.

15

Q. I think that Daniel Rockhouse yesterday referred to electronic tagging at the mine he's been working in. Did you hear that?

A. I think that was Mattheus Strydom that mentioned that.

Q. Oh.

20

A. And yes I did hear that. About five years ago, maybe six years ago, I was actually involved in a study group in Queensland which looked at the use of electronic tagging for underground. To my knowledge, and I could stand to be corrected here, to my knowledge that system has never been put in place successfully because of the problems that there are with the intrinsic safety underground. So I was aware of electronic systems being used in other places in the world, I'm certainly not aware of any places in Queensland using these systems to date, but I have been out of Queensland for the last few years. I'm not aware of any places in New South Wales using the system either. I am aware that we had the facility to use system through Northern Lights Technology, but that the system was not actually working properly.

25

30 1120

Q. What are the pitfalls of the tag system used at Pike River?

A. The same as the pitfalls of any tag system that they rely heavily on the individual to put his tag on and take his tag off.

Q. Were there any breaches of this requirement prior to the 19th of November to your knowledge?

A. Yes there were.

5 Q. What steps were taken to remedy or discipline persons who failed to correctly tag in or tag out?

A. The system if someone incorrectly used the tagging system with respect to leaving their tag on the board, is that they were contacted at home to verify they were actually at home and not in the mine and then an incident report was tabled on their return to work.

10 Q. And who implemented this system?

A. That system was in place when I arrived at the mine.

Q. And did it generally work?

A. In general it worked. There were the odd occasion where people did not either put their tag on or take their tag off.

15 Q. Were there – is there any disciplinary action taken at say repeat offenders?

A. To my knowledge there were no actual repeat offenders.

20 Q. Yes. Now the – without detailing names or anything, but clearly there's some concern as to the system not being up to speed on the evening of the 19th of November. Do you know why that occurred, is it simply what you've described as failings of persons to clock in or out?

25 A. On the 19th of November during the process of trying to establish who was underground, it became evident that there were people who were later found to be on shift had actually left their tags on the board. And it became evident later that there were people who were in the mine who hadn't actually put their tag on the board.

Q. All right, can you continue reading please from paragraph 110.

30 A. "The problems encountered trying to identify those underground contributed significantly to the delay in notifying emergency contacts that we had for those employees. Notifying the employee's emergency contacts could only be completed once the identities of the missing could be established without any doubt. Over the course of the evening emergency services continued to arrive and establish command centres

and control locations. Later on in the evening after talking to Steve Ellis, the production manager, I made the decision to split the management team to ensure that a management presence could be sustained over an extended period. Steve would be my alternate on the opposite shift.

5 As Steve has young children he generally covered the dayshift and I did the nightshift. Underground efforts were being made to procure equipment to help the rescue process by Pike staff who had worked at and accordingly had contacts at other mines in the area especially the previous Terrace Mine. As news of the explosion had become public,

10 offers of help started coming in from all over the country and overseas. The reality is that the mining community is a reasonably tight-knit community so once news of the explosion spread, offers of help came in quickly.

MR HAIGH ADDRESSES THE COMMISSION – TAKE EARLY BREAK

15 **COMMISSION ADJOURNS: 11.25 AM**

COMMISSION RESUMES: 11.44 AM**EXAMINATION CONTINUES: MR HAIGH**

5 Q. Mr White, before we resume, which is at paragraph 114, I want to take you back briefly to the tag system and the monitoring process you said existed to ensure that people were communicated with. Do you have a, if they hadn't put their tag on or hadn't taken it off, do you have a personal experience of that?

10 A. Yes, I do. I can't recall the exact time or date, but I was at home one evening and received a phone call from Conrad Adams, who was in the control room, informing me that I had actually left my tag on the board. I found that quite incredible, because I distinctly remember taking it off that day when I'd come out from the underground. However, what I'd actually done was taken someone else's tag off. I didn't actually have my glasses on, and without these glasses, I'm not quite as blind as a bat
15 but it's a challenge to see things at certain distances. I'd actually taken someone else's tag off believing it was my own. So what I did the next day, and this is on record, I generated a toolbox talk to emphasise the importance of people using the tag system properly. I actually delivered that toolbox talk personally to the entire workforce as works at the mine,
20 on the shifts, emphasising that the system had to be used correctly, but also emphasising that it was possible to make mistakes.

Q. Do you recall when that was?

A. It was some time, it may've been six or eight weeks prior to the events of the 19th of November.

25 Q. You've mentioned the toolbox talks and you heard evidence yesterday which seemed to identify some problems with toolbox talks and reliability of information being passed on, can you comment on that?

A. In general, and this was mentioned yesterday, but in general the toolbox talks were delivered when everyone was available at the start of the
30 shift, so on a day shift for example at 7 o'clock in the morning, the under manager or the manager, and in many cases myself, in the morning and in the afternoon we'd deliver the toolbox talks personally, depending on

the subject that had to be delivered, but an effort was made to ensure that everyone was available, but that system is, I quite agree with which was mentioned yesterday, was not entirely infallible and people at occasion did miss toolbox talks. The idea of the toolbox talk is that
5 whenever there is something important to talk about, to put across to the workforce, that not only was it delivered in the morning verbally, but it was also given to the mine deputies, again depending on the gravity of the toolbox talk, it was given to the mine deputies to take underground with them to discuss with the crews.

10 Q. Can we take it that the decommissioning of the fresh air base at stub 3, and its replacement of the Slimline shaft, was a matter of considerable importance?

A. Yes, it was.

15 Q. Do you have any comment on whether that was advised to all miners, or miners at toolbox talks?

A. To my knowledge it would've been delivered across the shifts and there should be evidence of that, verification of that process somewhere in the safety training department that that was actually delivered.

20 Q. It was mentioned yesterday that if some matters were important, particularly important, then the miners would be required to sign an acknowledgement that they had been provided with this advice?

25 A. Yeah, the process for toolbox talks again depending on the gravity of the information that was being delivered required that people who had heard toolbox talk did sign off on the toolbox talk and that was a confirmation that they had actually partaken in that event.

Q. Although you're not working at Pike River, are you aware as to whether these reports, toolbox reports as to advise such as the one I'm referring to, whether there would be documentation to this effect?

A. I would expect that there would be.

30 Q. Are you able to say whether or not miners would've been advised in advance of the fact that there was going to be a decommissioning and re-commissioning elsewhere, or they have only been told to your knowledge after the event had occurred?

1149

A. I can't answer that with certainty, but I'm fairly certain that in the case of the rescuers being moved up they were moved up, the information was passed on prior to the action actually happening and in most cases at the toolbox talks, depending on the nature of the toolbox talk, it may well have been generated as a result of an incident in which case it was after the event as opposed to something that was coming up that had to be done would've been done prior to the event.

5

Q. Can we turn please to paragraph 114, if you continue reading from there?

10

A. "Some of the essential equipment needed was expedited due to the many friends and colleagues I have established over the years. I make particular reference to 6 kilometres of tube bundle line gifted from Mr Ronnie McKenna, the manager of Oaky Creek, SIMTARS director Paul Harrison emailed me with offers of assistance, so have the chief inspector of coal mines in Queensland, Gavin Taylor, both personal friends of mine for many years. I believe that it was due in no small part to my experience and relationships I had built in the mining community that we were able to get the level of assistance that we received in such a timely fashion."

15

20

Q. Pause there please which is at the end of 114. Can you just tell us what they acronym SIMTARS stands for?

A. SIMTARS stands for safety in mines testing and research service.

Q. And is that a Queensland Government organisation?

25

A. Yes it is.

Q. And Oaky Creek Coal Mine, is that in Queensland as well?

A. That's an underground coal mine in central Queensland.

Q. Carry on please from 115.

30

A. "At around 12.20 am on 20 November 2010, I called Paul Harrison, the director or SIMTARS and asked for the offered assistance from Queensland. Paul deployed Darren Brady, Ken Singer and Larry Ryan. I am aware that Darren Brady and Ken Singer are now assisting the Commission with expert evidence but it may be that they can provide

further factual evidence regarding their involvement during this process if required by the Commission. During the night of the 19th, 20th of November, one of the main priorities was to establish reliable monitoring and to better understand what was happening in the underground environment. Men were deployed up to the mountain all night to gather samples as best they could. At the same time as men were being deployed to the mountain, personnel in the control room were calling on the phones and DACs every half hour to try and obtain communication underground. The remainder of the first night, being the 19th, 20th of November 2010, was spent evaluating options for mounting a rescue and collecting and evaluating gas samples taken from the shaft by the limited means that we had available. The New Zealand mines rescue set up the emergency response centre in the rescue room and set about conducting the entry risk assessments. I recall having a discussion with Rob Smith from New Zealand Mines Rescue about the prospect of trying to effect some type of temporary seal to try and restrict the flow of air into the mine. Although this action was discussed, it was never implemented or properly assessed for risk as it was made clear to us by the Department of Labour, that any type of sealing was not an option. The department made it clear that sealing the mine even temporarily was not an option because it would potentially send a message that we were focused on recovery at the time, that we could not rule out the men were still alive in the mine and of a possible rescue.”

25 Q. Now, pause there please at the conclusion of paragraph 120. Perhaps you'd better read 121 first and then I'll ask you some questions.

1154

30 A. “The Department of Labour did not present it as an option, instead they simply gave a directive that sealing the mine was not to be considered at the time and it was clear that it was not up for discussion.”

Q. Now who conveyed that to you – that information to you, in other words who was the person passing on the message from the Department of Labour?

A. My recollection at the time that information was given to me by Dave Bellett, Department of Labour who had been given it apparently from Wellington.

Q. Were you an advocate of the sealing of the mine?

5 A. It was an option that we discussed, but it hadn't properly been assessed.

Q. Well compared to inertisation, at the time how did you see the sealing of the mine compared to that process?

10 A. The problem with trying to seal the mine at that stage would've been that because it was very limited information coming from the mine with respect to ventilation and gas that any restriction put on the ventilation system may well have actually encouraged the onset of another explosion.

Q. And inertisation, any advantages to that?

15 A. Inertisation can be achieved as we did, by not sealing the mine entirely. You can actually pump the inert gasses into the mine to try and gain control and then effect a sealing process.

Q. And is that done by the utilisation of the GAG?

A. It can be done by the utilisation of the GAG jet engine.

20 Q. And was that the only method that was used, the GAG system?

A. The – no it wasn't the only method used in the end, it was one of the methods employed along with the Floxal nitrogen generating unit.

Q. If the GAG is implemented, does that deprive persons in the mine who may have been alive of oxygen?

25 A. It would depend where the persons were. We had at the time of the incident we were trying to establish where the men might be. We did consider that they may well have been in the communications room for the main fan underground which is in effect a clean room. There was a supply of compressed air to that room which kept the filters going.
30 In the event that someone was in that room it would've been possible to deploy the GAG and they would've still had a supply of oxygen. But in normal circumstances once the GAG is deployed it restricts the availability of people underground to have oxygen available to them.

Q. And just briefly explain the purpose of the GAG?

A. The GAG is a machine that's used to displace oxygen in the events of the mine fires or explosion. It replaces oxygen with a mixture of carbon dioxide or a small amount of carbon monoxide and mainly water vapour and nitrogen.

5

Q. Did the DAC system operate in the clean room you've described?

A. From memory I think there was a phone in that clean room, I can't confirm whether there was a DAC in that room or not.

Q. Right. Now can you please read from paragraph 122?

10 A. "Over the course of the first night the Minister for Energy, Gerry Brownlee, the Mayor of Greymouth Tony Kokshoorn, Superintendent Gary Knowles of New Zealand Police and I think, but can't be sure, the police commissioner arrived. Department of Labour inspectors also arrived over the course of the night. At some point during the night or late in the evening, I understand the family members of the missing employees were informed. As I've referred to above, the process of informing the families had been delayed until it was certain who was missing. My recollection is that I instructed the HR manager Dick Knapp to contact the people listed as next of kin on the emergency contact list of employees."

15

20

Q. Just pause there, in the middle of 123, is that still your recollection?

A. No further, further evidence since the time suggests that Mr Peter Whittall made that command to Dick Knapp.

Q. Carry on reading please from midway down 123. From the words, "But that this could only be done..."

25

A. "Contact people listed on the next of kin emergency contact listed in employee's personnel files, but this could only be done once we were certain who was in the mine. The last thing I wanted was us to unnecessarily alarm anyone, give anyone false hope or negative false expectations. I am aware there has been criticism of the time it took to contact the families and I can only say that the delay in doing so was caused by the abundance of caution being taken in ensuring that we have correctly identified who was still in the mine. There was also

30

criticism regarding who was contacted. My understanding is that the people were contacted were those listed on the emergency contact list. That is a reason that we ask employees for this information, and it is up to the employers to ensure the information is up to date. In some instances it appears not to have been, but in the circumstances I believe our process was appropriate. I do not recall instructing Dick Knapp to contact the families of the contractors. Rob Ridl, Terry Moynihan, the remaining nightshift team and I went home around about 8.00 am the following morning, November the 20th having been on site since 7.00 am the previous morning. When I left the site around about 8.00 am on the 20th of November it was on the basis that New Zealand Police were in charge if required, they could obtain advice from Steve Ellis who was assuming my role. Steve Ellis was clear that if he needed to contact me to obtain advice or information, that he could do so. I would like to put into context the period during which I remained away from the site, which was roughly from 8 o'clock of the morning of November the 20th until about 1800 hours, 6.00 pm 20th of November 2010. The Pike River Mine is located approximately 45 minutes drive from the Greymouth township. It takes approximately an hour and a half to do a round trip from the mine site to home and back again. In addition, I needed to get changed, to eat and to try and get some sleep. I was conscious it was likely to be an extended period that I would be required at the mine and did not want to risk getting too tired too quickly and therefore being less effective.

25 Q. Would you rather I read that?

A. Yes please.

Q. I'm finishing paragraph 128 from where Mr White finished. It reads, I felt I owed it to the men to be functioning as well as I could be so that I could contribute as productively as possible to their possible rescue or recovery. Would you prefer me to read on?

30

A. No that's fine, I'll be good.

Q. Perhaps I can ask you this very briefly. You knew all the men other than the contractors?

A. I knew all the men and a great deal of the contractors personally.

Q. Friends, colleagues?

A. Yeah.

Q. Would you like me to read the next paragraph.

5 A. No, that's fine John, I'll be good, just having difficulty seeing at the
minute. Right. In terms of handing over control, as I've indicated
above, I have read the evidence of Superintendent Knowles. In his
evidence he states that he was the police incident controller for the
10 operation, in paragraph 3. That is certainly consistent with my
recollection. He also states that by 5.26 pm it had been determined by
Sergeant Cross the most senior police officer on site at the mine that
Mines Rescue would take the lead of any rescue for a mine entry and St
John Ambulance for any injured miners. To the best of my recollection,
15 there was no direct discussion between the agencies, including the
police, about who was in charge. As statutory manager, mine manager,
I operate on the basis that I was in charge of the mine site, until I was
otherwise notified. That said, the agencies like the Department of
Labour making it clear that sealing the mine was not an option. It was
20 also clear to me that I did not have decision making power. We were
very much responding to matters as they arose in an emergency
situation. There were specialists on site and those specialists were
being utilised and working together in accordance with their particular
specialities. Superintendent Knowles states at paragraph 64 of his
25 evidence, 'At 5.40 pm, Deputy Commissioner Rickard confirmed that
police would act as lead agency.' Again, that was not something that
was notified to me, but I was aware that the police were taking a
particularly active role including organisation of the incident
management team and meetings. I believe, as I have referred to above,
30 that I was also involved in these processes. When I arrived back at
work later that day, Saturday, 20th of November at 6.00 pm, the Pike
River Coal boardroom had been taken over by New Zealand Police and
a full incident control set up was in place and being manned by officers
of New Zealand Police. The system that was being followed was a New

Zealand Police Incident Management System and the New Zealand Police were the lead agency running the system and taking operational mining advice from Pike River management. I believed it was clear to everyone on site involved in Operation Pike, which is the police name given for the operation including myself that the police were in charge. By this stage in the operation, 6.00 pm on 20th November 2010, all decisions made on site were being channelled back to Wellington where a panel were evaluating the decisions prior to the site staff being able to implement them. As a consequence I considered that I was no longer in charge of the site or the process and instead I focussed on activity participating in the police process and in the consultation process in place, providing specialist mining advice where required. Delays caused by this process of consulting off site – sorry, delays were caused by this process of consulting off site and frustration started to mount at times between operational staff and New Zealand Police. However, any frustration felt by operational staff soon abated as the logistical arm of the New Zealand Police swung into full operation and anything that was asked for was mobilised by the New Zealand Police Force. What I mean is that at times I felt frustrated as we had to wait for decisions to be approved by people in Wellington, before they could be implemented on site. At the same time, at an operational level and as someone who is actively involved on site, I felt support by the New Zealand Police and as though they were fully committed to the process and ensuring that the operation had all the resources that it required. By this stage in the operation, all actions were being recorded in the incident control room and update meetings were being held every two hours for which notes were taken by the police. For this reason I stopped recording my individual actions. Without access to the notes of the incident management team meetings, it is difficult to recall with any degree of specificity the actions that were subsequently taken, particularly given the time lapse. For the remaining period from the night of the 20th November until I terminated my employment contract with Pike River Coal on the 15th of May 2011, I recorded below what I can recall

about the actions taken for the purpose of meeting the requirements of section 2.4 search and rescue and recovery options. My recollection has been refreshed to some extent by very brief cotemporaneous notes that I made. Otherwise, I have recorded the information below primarily
5 relying on my memory.”

Q. Now, from 141 on for a period, we have specific dates which you’ve recorded from which you recall certain events, so I’ll read out the date, because there’s one amendment to make, and you can just read from each paragraph. So, from paragraph 141, we’re now talking about
10 Saturday the 20th of November 2010.

A. Paragraph 1 states, “Continued monitoring. Considered running the conveyor belt in the drift to try and establish the extent of the damage in the drift. Could not convince New Zealand Police that this was a good idea as they thought it might disturb evidence.”

15 Q. Now, just pause there please. To sub paragraph 1, under 141, can you explain what your proposal was with the conveyor belt, what it would’ve meant and the concern of the police?

A. What I put forward at the time was that if we were able to run the conveyor belt that it would establish information for us that the belt was
20 continuous along its whole 2.1, 2.2 kilometres which would then indicate perhaps that the extent of the damage at the end of the conveyor belt may not have been that severe. In the event when I spoke about this option with the police, they raised concerns that we might actually disturb evidence that may be on the belt, which I did accept, that that
25 would be the case, but I also put forward an option that we could mark the conveyor belt before we started running it and then if it was able to run for possibly 200 metres, maybe 300 metres, that would definitely indicate there was a potential lack of damage further up the tunnel. What I suggested at that time was if we did mark the conveyor belt and
30 at a later stage had to go back and re-trace any evidence that was found on the belt, that we could in fact measure backwards to where the belt would’ve been before we started it, in which case we would’ve been

able to identify the location of any evidence that might've been on the belt.

Q. And the police reaction was not to go along with this?

5 A. We actually conducted a risk assessment on the process, but the action was never taken. It was deemed that it wasn't necessary.

Q. Well, was the conveyor belt still working?

10 A. There was still the availability to put power on the conveyor belt, the option that I was trying to get established was that the conveyor belt actually was still working, that would've meant that it was continuous along the whole length of the conveyor belt.

Q. Was that ever brought up again, the potential use of the conveyor belt?

A. No John, it was not.

Q. Yes, continue reading please from paragraph 141, sub paragraph 2.

15 A. "Organise drillers to drill PRDH 43. Organise army robot. Establish monitoring at the grizzly. Assistance from SIMTARS arrived bringing a portable GC with them. Discussed with Darren Brady the possibility of deploying the GAG. Darren informs me the GAG had been mobilised and put on standby."

20 Q. Now, just pause there please at the end of paragraph 141. The GAG was being located from Queensland?

A. The GAG is located in a township of Dysart in Queensland but the information given to me from Darren Brady at the time was that the GAG had been made available for use and that a formal request had to be made to the Queensland Government for its release.

25 Q. Did you pass this information on to anyone?

A. Yes I did.

Q. To who?

A. I recall passing that information on to both the police and to Peter Whittall.

30 1215

Q. Did you actually request that the GAG machine, the bringing of it to New Zealand should be implemented immediately or was there some other timeframe?

A. No I suggested at the time I found it was available that it should be brought out as a matter of urgency.

Q. And was it?

A. No it was not.

5 Q. Why not?

A. The concern with mobilising the GAG was if it had been mobilised right away because of the interest that the incident had created throughout the world that the mobilisation of the GAG would perhaps trigger the notion that the rescue had turned into a recovery and that was not an option at the time.

10

Q. Did you agree with that decision?

A. I did not agree with the decision not to bring the GAG out.

Q. Now can you continue reading please from paragraph 142.

15

A. "Sunday 21st November 2010. Continued sampling via bag samples taken from the vent shaft, slimline shaft and grizzly site. Paragraph (2), discuss deploying C-AL scan imaging."

Q. You don't need to read the numbers.

A. Sorry.

Q. Who was that discussion with?

20

A. From memory I think we'd had that discussion with the operator of the C-AL scan who is Mr John Taylor.

Q. When was the C-AL scan first utilised?

25

A. It was first utilised on the 24th of – this is from memory, on the 24th of November. It had actually been utilised and had only just been finished being used prior to the second explosion.

Q. Continue reading from sub-paragraph (3).

30

A. "Discuss deploying the army robot. Army robot arrives, drillers were now drilling PRDH 433. Monday 22nd November 2010. Army robot deployed in the tunnel. Continued sampling via bag samples taken from vent shafts, slimline shaft and grizzly site. Discuss again the prospect of deploying the GAG with Darren Brady. Ask Peter Whittall to organise a meeting with Superintendent Garry Knowles as I had concerns. In particular I was concerned that three nights had passed since the initial

explosion and it appeared that no one had considered the prospect of additional explosions. I had been discussing the operation with Darren Brady from SIMTARS and we agreed that we should have the GAG on site. However, any discussion about trying to inertise the mine or trying to reduce the amount of air going into the mine was rejected by decision makers in Wellington who I understood at that time to be the police and the Department of Labour. Sampling commenced on Monday at PRDH 43. A meeting was held with the drillers' representative to convince him to drill more holes."

5

10 Q. Just pause there please. This is at the end of paragraph 142. How many holes had the drillers been drilling as at the time you asked them to drill more holes?

A. They had drilled PRDH 43, one hole.

Q. And where was that located?

15 A. Is it possible to get a mine plan for that?

Q. Yes please, exhibit 14, if you could put that please on the screen.

EXHIBIT 14 DISPLAYED

A. If the area that has a tag, "Ventilation shaft," can be blown up a wee bit please. PRDH 43 went in the area that I'm going to indicate with the pointer. It went somewhere around about that area there. The reason for putting PRDH 43 in that area, that is effective where the men return for the mine.

20

Q. It would therefore be most likely to pick up the most noxious gasses?

A. It is an area that if all ventilation structures were in position after the blast that all the – any ventilation running throughout the mine would have to pass that area.

25

1220

Q. Perhaps we could just leave that there for the moment. You've said that you tried to convince the drillers to drill more holes. Was that successful?

30

A. We were very grateful to the drillers for what they had done. It was explained to us that they'd been on site at another location for quite some considerable time and that they wanted to go home. I tried to

impress on people that it was vitally important that we get as much information at the mine as we possibly could and that one way to get that information was to drill more holes in strategic locations. At that stage with a particular company that were doing the drilling I was unable to convince them to stay on site and consequently we organised another drilling company. But that did cause a delay in holes getting drilled.

5

Q. How long was the delay?

A. From memory John it's hard to say, but it would've caused two or three days by the time we got another company mobilised and got them on site.

10

Q. Continue reading please from paragraph 143?

A. "Tuesday 23 November 2010. A meeting in Greymouth Police Station with Superintendent Gary Knowles, the Commissioner of New Zealand Police Howard Broad, Peter Whittall, Darren Brady from SIMTARS and myself. The purpose of the meeting in Greymouth Police Station was to outline to people what might happen if action wasn't taken to tray and inertise the underground environment. The likelihood of survivors was unfortunately becoming slimmer by the hour. I expressed concerns that if no attempt was made to restrict the flow of oxygen into the mine or inertise the mine in some way or other that the mine would explode again and probably keep exploding. I made the request that the GAG jet engine, which had been on standby since the event occurred on the 19th of November, be brought across from Queensland. It was made clear to me that the GAG would not be ordered as it would appear that people had given up hope. Unfortunately the prediction that I made came true as the mine exploded a further three times before the GAG was deployed."

15

20

25

Q. Yes, the next paragraph please?

A. "Wednesday 24th of November 2010. I was woken up around about 1.00 pm by a message, I think from Steve Ellis that the mines rescue team were preparing to go underground and could I give final clearance for the rescue team to be deployed. I prepared to out to the mine. As I was getting ready to go to the mine a second call came through, this

30

time I recall from Mr Peter Whittall, advising the mine had exploded a second time.”

5 Q. Now just pause there please, which is at the end of paragraph 144. Are you able to say what your reaction was to the request for final clearance, that is to go into the mine, before your becoming aware of the second explosion?

10 A. Mr recollection of the conversation that it was more or less courtesy that I was being informed that the Rescue Service had determined from the information that they had gathered from the bore holes that we had put down, and from the various other monitoring points, that it may well now be safe to enter the mine.

Q. Now can you read from paragraph 145 please?

15 A. “Thursday 25th of November 2010. Meeting held on site, request made by Commissioner of Police to make determination for the coroner that there could be no one alive underground after such a length of time. Present in that meeting were Inspector Mark Harrison, Sergeant Martyn Paget, Sue, who unfortunately her second name I can’t recall, was a civilian working for New Zealand Police taking notes, Ken Singer, deputy chief of mines for Queensland, Michael Firmin, Department of Labour, Trevor Watt, general manager New Zealand Mines Rescue and myself. At the same time as the team assembled in my office were contemplating whether or not men could still be alive underground, another team which included Mines Rescue personnel, police, SIMTARS, and New Zealand Mines Rescue were developing an options model. The team assembled in my office, spent most of the day through until around about 5.00 pm going through every possible, conceivable scenario and trying to determine to the best of our ability whether or not men could still be alive. At the end of what was an unenviable day, unfortunately we concluded that it was unlikely that men could still be alive underground. We agreed that this was a position that we would communicate to the Commissioner in the morning. While both meetings were going on” – I’d just like to point out at this stage John, that my next statement is actually factually incorrect.

20

25

30

Q. All right, well, it reads as follows, “While both meetings were going on the CAL scan team were up on the mountain trying to recover images from the Slimline shaft.” You’re saying that’s incorrect?

A. That is incorrect.

5 Q. What is correct please?

A. What is correct is that the CAL scan imaging team were actually up on the hill the day before.

Q. That would’ve been Wednesday the 24th?

A. That is correct.

10 Q. Carry on reading from paragraph 6 please.

A. At around 6.00 pm I was asked to come into the main meeting room and view an image that had been recovered from the Slimline shaft by the CAL scan team. The image clearly identified the outline of a number of objects in the fresh air base, among them, among the images were two self-rescuer boxes, one with the lid open. The question that had to be answered was, how did the box lid get opened? Was it opened prior to the explosion? Was it left open? Did the blast blow the lid open, or did someone open the box after the explosion? A number of people were in the room at the same time as I was when the image was shown. I asked that the people did not disclose what they had seen until further examination of the image could be made. At this stage I had a sinking feeling, as I’d spent an entire day” – and that’s now the following day – “At this stage I had a sinking feeling, spent the entire day with a group of people working through a number of scenarios and reached the conclusion that beyond a reasonable doubt that no one could still be alive underground. Although it had been determined that it was unlikely that people could still be alive after four days, the image raised a possibility there might’ve been people alive after the first explosion. However, it also raised a number of other possibilities that had to be explored. I left the mine somewhere around 7.00 pm and prepared myself to go back on nightshift the following night. Sunday, the 28th of November 2010. The mine blew up again. This time flames were now billowing from the shaft. Monday, 29th of November 2010

15

20

25

30

through until December 2nd 2010. The portal was sealed and the GAG set up ready to operate. Tuesday, 2nd of December 2010, the GAG started. I think it was Monday the 13th of December 2010, Pike River Coal was placed in receivership.” It may not have
5 been a Monday, it’s just from my recollection. Wednesday, 15th of December 2010, police announce publicly they were pulling out of the Pike River operation. A meeting was held in Greymouth Police Station. Police made some sweeping statements about the likelihood of any bodies being recovered due to the intensity of the fire.
10 Dr David Cliff commented, ‘It would be unlikely after four explosions that it would be possible to recover any remains or any useful information with respect to the cause or location of the explosion.’ This statement was challenged by Steve Ellis, Peter Whittall and myself, as the actual location of the blast and the magnitude could not be verified with any
15 degree of certainty. I believe Dr David Cliff was making statements based on his previous experience and not actual experience of underground environment at Pike River. Tuesday, 23rd December 2010. My recovery plan presented to police and Government officials in Wellington. Plan rejected. In my view – and I believe that’s shared by
20 Mines Rescue without good reason. I believe it’s important to note the recovery plan is largely, or more or less, to what is still being worked to at present. Police stated at the time it was not the money that was a reason being behind the plan being rejected. At later meetings with the families it was stated that it was not due to technical issues, but the
25 issue is that it was never expressly stated why the recovery plan was rejected.”

1230

Q. Just pause there. Were you told by the police why it was rejected?

A. No.

30 Q. Right now move to the next date which you’ve recorded as Wednesday the 29th of January, it should be Wednesday the 29th of December, is that correct?

A. That is correct.

Q. Paragraph 152.

A. "GAG operators report a possible back pressure."

Q. Well just read that again?

5 A. "GAG operators report a possible back pressure, sorry, possible a big fall."

Q. And carry on please.

A. "February 2011. Video images recover from PRDH 44 in the Slimline shaft. PRDH 44 image shows very little sign of damage. Slimline video shows signs of major roof movement."

10 Q. Just pause there. Is there anything you want to add to that?

A. When the – when I spoke with the GAG operating team after the event of the 29th where they recorded a back pressure, I recall talking to Clive Hanrahan about that back pressure. He had expressed concerns that it may have been a further explosion in the mine. I recall my
15 opinion being that with the amount of inert gas that was in the mine that an explosion was highly unlikely. It would appear from the images that we recovered from the slimline, it was more likely that there had been a major roof fall and that the pulse from the major roof fall had caused the back pressure with the GAG jet engine.

20 Q. Is it possible to determine where the major roof fall occurred?

A. The assumption was made from the footage that we got from the fresh air base, which clearly showed major movement in the roof, the assumption was made that there had been a particularly large roof fall in the area that I'm going to point to now on the plan. This –

25 Q. Just pause there, for the record that is Spaghetti Junction is that where you're referring to or perhaps you can particularise that more?

A. Okay, that, where I'm pointing now, is the Slimline shaft, the area here when we took the first CAL scan image of the Slimline shaft, you could clearly make out the roadway right to the far rib. When we took the
30 second image that I'm referring to now, it showed a considerable amount of debris indicating there'd been a major roof fall in that area there, which is – can be likely due to the fact that that was a three-way intersection.

Q. And just describe those numbers there would you? Can you read that?

A. The number in the circle I think reads 310, which would be the phone number at that point. It also says DAC and FAB.

5 Q. Is that where you're saying that it was assumed that's where the major roof fall occurred?

A. I'm saying that the major roof fall occurred in that area, extending out towards this area here, which was a roadway separated by two steel double doors, two sets of steel double doors that went to the main shaft.

Q. So if it had been there it means the drift would've blocked?

10 A. It's highly likely that if the intersection had collapsed that the drift was blocked.

Q. Yes can you go back to your brief please and continue reading from (ii).

15 A. "Slimline video shows signs of major roof movement. CAL scan image of drill hole 46 shows signs of damage but not major. CAL scan image of slimline confirms major roof movement in slimline out into the tunnel roadway. Video taken later from PRDH 46, later analysis of that video reveals a human shape lying in the prone position."

Q. Just pause there for a moment would you please. Go back up to (iii), should that read, "CAL scan images from borehole number 47, not 46?"

20 1235

A. I'm fairly certain, John, it was borehole number 46 was drilled before 47, that's why they're numbered that way, 46 borehole and unless we can have a plan that says contrary, 46 borehole was a borehole where Valley Longwall drillers we believed were located and that had been
25 drilled prior to, obviously, number 47. We tried as far as practicable to number the bore-holes in order.

Q. All right, we'll clarify that at a later point. So you just referred to the roman number five, what was revealed from the video there, could you continue on with paragraph 2 please, subparagraph 2?

30 A. "A mine stabilisation plan was formulated and presented to the police and other government officials in Wellington. Specific instructions not to mention the recovery in the stabilisation plan."

Q. Just pause there, which at the conclusion of subparagraph 2, what do you mean by that?

5 A. Well, up until that point, certainly in my opinion, a recovery was still possible. By this stage the mine was well into receivership, where there was limited funds to mount a recovery, there was also an element of politics whereby it was felt that the plan may not be so readily accepted if the word recovery was in the plan.

Q. Just pause there, is this information which was conveyed to you or is this an assumption by you?

10 A. No, this is information that was conveyed to me.

Q. By whom?

A. By Mr Whittall and I have to say the receivers PricewaterhouseCoopers.

Q. Carry on finishing what you were saying then please.

15 A. The issue was that it was felt that the stabilisation plan was to deal solely with stabilising the mine and due to the fact that the budget was limited, which it was, that the recovery, at that stage, was not an option.

Q. Carry on reading please from sub paragraph 3 on.

20 A. "The mine stabilisation plan including the introduction of the West Australian robot into the mine to reconnoitre out of the tunnel and possibly get past the loader stuck in the drift, a great deal of difficulty encountered trying to convince people that this action was required and if successful would limit the exposure of rescue teams, and it was very frustrating."

Q. Do you want to expand on that?

25 A. The main objective of trying to get information was to gather as much information as possible without putting anyone at any further risk. One of the options that had been explored was a use of robots. Now, we had tried unsuccessfully at that stage to deploy robots that were provided by the New Zealand Army. We had, however, by that stage
30 deployed, in the first instance, the West Australian robot and were able to drive the robot from the portal all the way up to where the loader that Russell Smith had been driving had been left and we got some very valuable information from that robot in the first instance. During the

course of the days that followed that particular task, the days and weeks actually that followed, the West Australian robot team conveyed to me that they had developed a smaller robot that they would take up with the big robot if they could, deploy the small robot in the hope that it would go past the loader which was a considerable obstruction in the drift and with, I hate using the term, but with a bit of luck it would've been able to go past the loader and possibly right up to the area that we've been referring to as Spaghetti Junction where we had determined that there might've been a large fall. I had a considerable amount of trouble trying to convince people that this was a good option to take. It was a good option from my perspective due to the fact that it limited the exposure of any people going into the drift. It was also an option from my perspective, that if this option had been taken and was successful it was a far better option than drilling another borehole. The problem with drilling bore-holes is the information that can be recovered from them is very limited, whereas if we had been able to successfully deploy the robot, it would actually have taken the route that any potential Mines Rescue team would have taken and gone past the entire route and would have been able to collect data all the way into the mine, which could have later been used by the rescue team to limit their risk and exposure.

1240

Q. When you use the word, "Rescue," we're talking about February, are you now talking about recovery?

25 A. I'm talking about recovery but I'm actually talking about employing New Zealand Mines Rescue in the process of trying to mount a recovery.

Q. Can you continue reading please from 154?

30 A. I have attached to this evidence the weekly status reports that I provided to the families of the deceased, commencing on the week of February the 9th 2011.

Q. Now if we could move please to under the heading A, "The company's rescue plan in the event of an explosion," beginning 155?

A. The company did have an Emergency Response Management Plan that I deployed following the incident.

Q. And, B under the heading, "The equipment and resources available to the men." Commence reading from 156 please?

5 A. "The possibility of self-rescue of the men would have been influenced by the location and magnitude of the first explosion (which is unknown). Options for self-rescue included the primary and most desirable egress, (the main tunnel). The secondary egress, which is less desirable as it required navigating a vertical ladder which most likely meant travelling
10 at a noxious environment."

Q. Now just pause there. This issue is more likely to be disposed of or dealt with in phase three of the Commission's inquiry I would have thought. But I want to ask you about the state of affairs with regards to a secondary egress. When you arrived at Pike River in February, or
15 was it January 2010?

A. January 2010 is when I arrived.

Q. Tell us about what you observed then about a second egress?

A. By the time I arrived at the mine the actual physical shape of the mine bears no resemblance to what is on the plans now. The primary egress,
20 which was explained to me, which is correct, was the main access into the mine and as explained at the secondary egress would be means of the vertical shaft or the shaft where the fan was sitting on top, understand that that shaft wasn't entirely vertical, that it went – due to issues that they had in the construction phase, the bottom of the mine shaft actually collapsed and was filled with an amount of concrete. After
25 that action had been taken place an Alimak rise, Alimak being I believe the company that did the work, navigated around the fallen area and completed a shaft to the bottom of the workings. So in effect the ventilation shaft was not continuous as far as being a continuous
30 straight line, straight down like a normal shaft would be in a coal mine, that it went up for a period of metres, which I think was 40 to 45 metres, went on an angle for a period and then went straight up for the remaining period. I believe that the entire depth of the shaft was around

about 110 metres. There was a ladder which went the entire way up the shaft. That ladder was equipped with restraints and harnesses that in the event that it had to be used that people could attach themselves to the harness to secure them from falling from the ladder.

5 Q. Did you form the view as you continued to carry out your duties at Pike River that this was an acceptable form of second egress?

A. It certainly wasn't the most acceptable form of second egress.

Q. And did you formulate or any plans at all for developing a second egress?

10 A. I was involved in identifying the location of a more suitable egress, yes I was.

Q. Explain that if you would please?

A. What's not shown on this plan is in the area that I'm going to point to here, when I arrived at the mine there was a rather intricate network of tunnels that had been designed for the location of the second fan. The intention was that the tunnels would – the fan would be located here and that the tunnel would spiral up and round and come out above the fallen area in the ventilation shaft, so in effect, we could have to ventilation fans underground. It was also, from my recollection, explained to me that at that stage that would still remain as an egress out of the mine from the point above the fallen area up the ladder, which would be from recollection, possibly 50 or 60 metres up the ladder. During the course of the weeks and months I was at Pike River, I made it clear that from my perspective that the, as I've described it, intricate series of tunnels was really not a very good option for a ventilation shaft and in the process I commissioned a ventilation engineer by the name of John Rowlands to look at the mine ventilation system and at the same time I commissioned a senior engineer Mr Greg Borichevsky to identify a more suitable and reliable position for a second means of egress to be built.

15
20
25
30

Q. Over and beyond the ventilation shaft?

A. Over and beyond the ventilation shaft, that work was completed. The position was selected and there is a plan in existence somewhere that

has numbers one to six on it. The plan, the number six actually identifies the best location for, which was going to be the next egress and also the location for the second fan.

5 Q. Are you able to see where, from that plan exhibit 14, where the second egress tunnel would have been located?

A. If this part here can be removed, and if we can highlight the area that's towards the end of the west mains, if we can highlight that, to the left-hand side of the mine plan, that's it. The area that had been chosen, although this mine plan is not exact by any means and there is
10 an actual mine plan in existence that shows the location –

Q. Just pause there. Why isn't this plan exact?

A. The workings on this mine plan are not as they were on the night of – on the afternoon of the explosion.

Q. I think we heard that from Daniel yesterday –

15 A. Yeah, yeah, there had been a considerable amount of more work done in this area prior to the explosion, but for the purposes of explaining where the second egress would've come out, the location that had been chosen was effectively just in this area round about here. The plan that we had put together for the second egress meant that, all things being
20 equal and had we not been involved the way we are now, but all things being equal, the second egress would've been completed by round about May of 2011, along with a further exit for the second fan. Now that time scale had been calculated by the engineers at Pike River in the tech services department, it was originally based on development
25 meters from the machines that we were using at the time and did not take into account the possibility that we might have actually reached that area quicker, due to the fact that the ABM 20 that has been mentioned in evidence had proven to be a very successful machine and that there was another ABM 20 that was due to arrive in the country in early
30 January and it would've been deployed on mining that part of the mine out, so it's possible that the second egress may well have been completed sooner than what we'd established as being round about 11th of May.

Q. And who was it who initiated a tunnel being a second egress in place of, I presume, the ventilation shaft?

A. I did.

Q. Would you continue reading please from paragraph 158?

5 A. Yep. "There would also have been an opportunity to wait in the fresh air base. Every person who goes underground is issued with a 30 minute oxygen generating self-contained breathing apparatus. This is worn on your belt and it is required to be kept on their person at all times."

1250

10 Q. Just pause there please. Go back to the fresh air base, how long would the air have lasted there in the event of any of the miners being able to locate themselves in that position?

A. At that location that I'm talking about, well the two caches of self-rescuers and those self-rescuers in that location were 50 minute
15 self-rescuers. The actual time that a self-rescuer can last is dependent on how long or how much exertion the person is being exposed to. For example, if someone was at rest, it's not uncommon that a 50 minute self-rescuer can actually last up to two and a half, possibly three hours and there were a significant number of self-rescuers at that location in
20 the mine. There was also a shaft at that location that linked the surface to the underground. In normal circumstances there's approximately 10, between eight and 10 cubic metres of air get drawn into the mine at that point. What we found later, as a result of the explosion that air was still being drawn into the mine at that point for some considerable time after
25 the event. So the likelihood that people could've gone there to change their rescuers and perhaps wait for a while is likely as it was first aid, there were first aid provisions in that area, there was also a telephone in that area and there was also a DAC in that area. So it was possible that if someone had made it to there they could communication. What we'd
30 also done in the course of either the first evening or the second evening, I just can't recall exactly which one now, we dropped communications in a bucket. Mines Rescue had dropped some – a radio, from memory it was a radio and a cat lamp in a bucket down the slimline shaft in the

hope that if people were there they could (1) see the light because it was a normal cap lamp which they've turned on full beam, can be seen for some considerable time, distance rather and also the radio that if people – if for whatever reason the communications at that point weren't

5 working they could communicate with the surface on the radio.

Q. Going back to the point you made about how long the air in the self-rescue unit would remain viable and referred to if one wasn't exerting energy that would certainly be a negative factor presumably if an individual was climbing up the ventilation shaft?

10 A. Put under duress and given the fact that exertion would be – that people would be exerting themselves, depending on the amount of oxygen that the person was consuming, a 30 minute rescuer may again it would depend on the physical size of the person and the fitness, might last only 10 minutes. It may last longer. A 50 minute rescuer and these are

15 – I would not like to be quoted on these figures, but a 50 minute rescuer depending on the size of the person may only last 15, 20 minutes. Again it all depends on the exertion that people are put.

Q. Right thank you. Now if we go back to paragraph 159, I think you've read that out about the 30 minute oxygen. Can you read from

20 paragraph 160 on please?

A. "In addition to the belt worn self-rescuer, caches of 50 minute oxygen generating self-rescuers are located in the fresh air base. I believe it's also important to clarify that where Daniel Rockhouse says in

25 paragraph 36 of evidence, that when he got to the FAB there were no self-rescuers there, the fresh air base that he refers to at 1500 metres at that point the tunnel, the fresh air base had been decommissioned for some time prior to the explosion and the decommissioning had been relayed to the workforce in the form of a toolbox talk at the time. The fresh air base I'm referring to is a fresh air base within the mine. DAC

30 and telephone communications are located in strategic areas in the mine including the fresh air base. Personal emergency devices or PED system, communication devices are issued to selected employees including deputies and underviewers."

Q. Sorry, continue reading under the heading, "The training provided to them?"

1255

5 A. I think it's just for the people's benefit that a PED system is a communication system that the surface controller can actually send a message to the person who's wearing it, it's not a two-way system, but it does allow the control room to communicate with people. I'm not sure of the technicalities of how the thing works, but it passes a signal through the strata and there's a receptor on the wearer's lamp and it makes the cap lamp flash and when the cap lamp flashes they can then read the message, now that system was available at the mine also.

10

Q. Just pause there, I think that Mr Strydom referred to the fact that in some mines he'd worked in, in South Africa there were two-way radios that miners had. Did you hear that evidence he gave?

15

A. Yes I did.

Q. Would that have been feasible?

20

A. He also gave a fairly good description of why that particular option wouldn't have been feasible due to the lack of intrinsic safety of the leaky feeder. So it certainly would've been feasible to appoint in the mine, but throughout the whole mine it definitely would not have been feasible and my experience of radios underground, certainly from Australia, is that they are very much hit-and-miss with their effectiveness.

Q. Continue reading please from 163?

25

A. "Every person going below ground in whatever capacity is given instruction in the use of oxygen generating self-rescuers and informed of the locations of the egress and the caches of self-rescuers. One hour every day between afternoon shift and day shift was available for various types of training and half of the shift each Friday on day shift was available for training. Safety training was discussed one day, technical service information, ie strata ventilation and gas may have been discussed the other day, engineering issues discussed on the next day and production issues may well have been discussed on the fourth

30

day, not necessarily in that order. The exact format what I can remember was Monday, production issues and plans for the week, Tuesday, safety issues, Wednesday, technical service issues and Thursday, engineering issues and Friday was a general training day.”

5 Q. Now, I think we’ll move to, just before the luncheon break, to paragraph 2.7m which relates to the extent to which responses to which such response plans, and this is under the heading, “emergency response plans of the company,” how effective they were, so we look at A, extent to which such response plans were tested and remedial action taken,
10 can you read from paragraph 166 please?

A. “I cannot recall the emergency management plan being tested, however discussions had taken place between the safety manager Neville Rockhouse and myself with regard to setting up a system similar to that used in mines in Queensland where emergency scenarios are practised at three levels. Desk top, shift level and mine site level. I
15 cannot confirm whether any of this training had actually in fact taken place.”

Q. And the next paragraph is in response to whether or not the response plans were able to be deployed when the tragedy occurred.

20 A. Can I just comment on the previous section, John?

Q. Certainly.

A. That to my knowledge, and I was given this information that an emergency evacuation had in fact been conducted some time during 2009, and that emergency had been planned and executed with the
25 help of New Zealand mines rescue, it’s just that yesterday it was stated that there had never been an evacuation or practice evacuation at the mine.

1259

Q. Right and at paragraph 167 can you read that please?

30 A. “I can categorically confirm that the Mine Emergency Management Response Plan was activated on the day by me in my role as statutory manager. I have no knowledge of why organisation such as Mine Rescue would state in its evidence at paragraph 535 for example, that

Pike's ERP was not implemented after the explosion on the 19th of November 2010. And go on to state that in the same paragraph Mines Rescue Service is aware that Pike had a duty card system in place, but this system was not used in the early state of the emergency. This is
5 inconsistent with the evidence given by Pike employees such as Daniel Duggan in paragraph 23 of his evidence, 'In the control room Doug White initiated the card system which is an emergency response system whereby cards are handed out to individuals with duties for them to carry out so the emergency response can be managed in a co-ordinated
10 way.'" Further by Neville Rockhouse in his evidence. "Doug was holding a red clipboard which is the emergency duty card clipboard. This clipboard signified to me that he had activated the emergency procedures for the mine." I can only assume that Mines Rescue has made this statement as none of its staff observed the duty cards were
15 being used, this does not mean that the procedure was not being used at the mine.

COMMISSION ADJOURNS: 1.00 PM

COMMISSION RESUMES: 2.01 PM

LEGAL DISCUSSION – PROCEED

EXAMINATION CONTINUES: MR HAIGH

Q. You have your brief of evidence there Mr White?

5 A. Yes, I do.

Q. We were at paragraph 169, and this relates to whether or not the management plan proved adequate in the course of the occurrence, so if you could read from paragraph 169, please?

10 A. “The Mine Emergency Management Plan was in my view effective once all of the staff had been re-called and the respective duty cards distributed.”

Q. Now, the next heading is, “The extent of the information available to the Company and the external entities involved in the search, rescue and recovery operation in the period following the first explosion”. And now, if you could proceed with paragraph 170, under the subheading of, “Including information as to the atmosphere”?

15 A. “There was no information relating to the atmosphere in the mine immediately following the first explosion, as the mine’s real time monitoring system marshalling station located in the comms room at the top of the shaft, was destroyed by the first blast.”

Q. Now, “Dealing with the location of the men and their work activities in the mine before and around the time of the first explosion”, can you read from paragraph 171 please?

25 A. “The location of the men was known as far as practical by the areas that they had been deployed to both in the morning and in the afternoon post 1.00 pm. Underground at the time of the first explosion were the hydro crew who had started at 7.00 am, trades who had also started at 7.00 am, contractors who had started at 8.00 am and development crews (ABM and Road Header) who had started at 1.00 pm and contractors who had also started at 1.00 pm. I wish to be clear that to the best of my knowledge the crews were not mining at the time of the

30

incident this was because the water had been switched off as a result of a scheduled shutdown to try and identify a fault in the water system.”

1405

5 Q. The next heading is, “The respective roles played by the company and external entities in the search, rescue and recovery operations,” reading from paragraph 174 please?

10 A. “Immediately after becoming aware of the first explosion I activated the Emergency Management Response Plan. As the most senior company official on site I was in control of the situation and the site. I am now aware, as I have noted that the police confirmed they were the lead agency at 5.40 pm on 19th of November 2010. That was never conveyed to me at the time. I consider that as statutory manager I was in control of the site until approximately 8.00 am the following morning, Saturday 20th of November. When I left site and went home, Steve Ellis remained at the mine having returned to the mine around about 15 7 o'clock on the 20th of November 2010. Steve effectively replaced me as the most senior mine official at the site. The police were assuming a greater level of control as the time progressed. I returned to work at 6.00 pm on the 20th of November to find the New Zealand Police had set up their command centre in the mine boardroom. I had taken control of the organisation of the rescue. The boardroom had been set up as the incident control room over the course of the evening 19th to 20th November 2010. By the time I returned at 6.00 pm on the 20th of November 2010 the police had clearly introduced their Emergency Management System and it was clear that they were in charge and that they would consult with me in regard to specialist mining matters. It was not a matter that was up for a decision, it was made very clear to me that the police are now running the operation and would consult with me as required.”

25 30 Q. Yes, under the heading, “The reasons for the division of roles, including relevant legislative provisions,” read from paragraph 177 please?

A. “The New Zealand Police control from the evening of the 20th of November if not earlier. It was not something I was able to dispute, they

were making – they were not asking me, they were telling me. In any event I remained involved in the process as the New Zealand Police recognised that they were not mining experts and relied on my, and others, mining expertise to make technical decisions. I'm aware from the evidence that the police control was part of a broader inter-agency response and in working with other agencies the police were designated as the lead agency. Coming from Queensland I found this unusual as in Queensland mines inspectors would have filled this role in conjunction with mine management."

5

10 Q. Now the next heading is, "The liaison and decision making processes which were adopted in the course of the operations including the expert advice received by the company and external entities," 179.

15

A. "In the first few hours from 4.45 pm on November 19th 2010, at the time of the explosion, as the statutory manager I consider I was in control of most of the decision making process. During this time the main priority was to try and establish monitoring to determine the underground mine atmosphere. To this end people were placed on the mountain and sampling points were established at the vent shaft and the slimline shaft. The first vacuum pump used to collect samples, as I've said earlier, was a stomach pump from out of an ambulance which proved to be quite effective until a proper pump could be sourced."

20

Q. Jus pause there would you please at the bottom of 179. Have you – are you aware of and were you aware of at the time, a mobile monitoring system for gasses?

25

A. I'm aware that when I was a member of Queensland Mines Rescue that we had a stretcher for want of a better word that was set up with mobile monitoring devices on it. For the very reason it could be taken to a fresh air base and used to try and determine atmosphere in the mine. Other than that I'm not aware of any mobile monitoring that was available on the night of the explosion.

30

Q. Well this wasn't available –

A. It wasn't available to us at the time, no.

Q. From paragraph 180 please?

5 A. "Pike River Mine management staff, New Zealand Mines Rescue and New Zealand Police were all liaising at this point as part of the process. As the emergency became a protracted rescue attempt experts from other countries including Australia and United States were channelled into the incident management room. The New Zealand Army and the air force were involved in assisting with logistics and transportation."

1410

10 Q. Now Mr White, I want to ask you about the use of experts during the course of the operation itself, both in terms of rescue and in terms of recovery. One of the questions that the Commissioners have asked relates to the relationship between various experts and the utilisation of experts. Do you have any comments in respect of that issue?

15 A. Yes I do. Some of the experts, it's my opinion, were lacking in the fields of expertise that were required to provide expert knowledge to the people on site. I make particular reference to experts making comments with respect to the recovery plan that was put to the police on the 22nd of December, which made reference to sealing the cracks around the Slimline shaft. It was put to me that that job would be practically impossible, that the amount of equipment required to do that was not –
20 that it wouldn't be possible. That was put to me by, channelled back to me through the police and I believe it come from one of the experts, namely Mr David Bell. I challenged that information. I spoke to Assistant Commissioner Grant Nicholls at the time. I told him of my displeasure about that particular information being relayed to me. I
25 provided to both Mr Nicholls and Mr Bell a copy of an operation that had taken place, a mine called Metropolitan Coal Mine in New South Wales, where the mine being in a very sensitive area, and being a Longwall mine, as it mined under the sensitive area the strata cracked and a creek in that area disappeared, which was quite embarrassing for the
30 company at the time. The subsequent action that was taken to recover the creek involved the PUR, which is a polyurethane resin which binds strata together. I had put approximately \$600,000 into the original recovery budget for the use of PUR. It was put to me that that process

wouldn't work. As I said earlier, I supplied a copy of that report that was supplied to me by someone in the Peabody Organisation of not only how that job was done but how much it cost. In actual fact, when we have sealed the cracks around the Slimline shaft it didn't take the

5 \$600,000 that I had budgeted for. From memory I think it took less than 50,000 and was extremely successful. So from that perspective I challenged the ability of some of the experts to make determinations about what was possible and what wasn't possible.

Q. Well you've named one expert who you disagree with, was that the limit

10 of those who you challenged?

A. I challenged the concept also that we could fill the mine full of water. That was put to us as well. The mine has a vertical head of somewhere in the region of 300 metres and the size of seal that would've had to have been built to hold back 300 metres head of water would've been

15 absolutely enormous. I do remember actually discussing that with Assistant Commissioner Nicholls as well, 'cos I had particular concerns that this information was getting out into the public and it wasn't correct.

Q. Well weren't these just a part of the process of investigating how and what could be done in terms of both rescue and recovery?

20 A. In the second instance that I mentioned, I would agree that that was a case, but in the first instance it was definitely put that the process of trying to seal the cracks would not work.

Q. Can you turn to paragraph 182 please?

A. Representatives from SIMTARS in Queensland arrived on

25 20th November 2010 and brought with them portable gas analysis equipment. The Queensland Government had also indicated that the GAG jet engine was available if required and New South Wales Mines Rescue and mobilised and were on their way.

Q. The next heading relates to the decisions taken and whether they were

30 made in a clear and timely manner, from paragraph 185 please?

1415

A. "At the start of the emergency and all through the night of the 19th November 2010 and early morning of 20th November 2010,

5 decisions were made in a prompt and timely manner with due consideration to and consultation with the assembled agencies. At some point on the 20th of November, the final call and decisions passed from the on site to Wellington, where I believe a group comprising of government agencies, including New Zealand Police, Department of Labour, reviewed all of the on site decisions. This process in some cases caused unnecessary delays and slowed things down. In some instances it took over 24 hours to get answers from the group base in Wellington.”

10 Q. Now, the next heading relates to the human physical resources available. Can you read from paragraph 188 please?

A. “The human and physical resources available were, in my view, more than adequate. As mentioned earlier, between the New Zealand Police, New Zealand Army, New Zealand Air Force, New Zealand Mines
15 Rescue, SIMTARS, the fire services, ambulance service, local helicopter services and other mines rescue services, each facet of the operation was covered.”

Q. Now, the next heading relates to qualifications, experience and training in various organisations and people involved. Paragraph 189 has your
20 comments which you’ve already provided the Commission with. There’s no need to read 189, read from 190 please.

A. “I have no reason to believe that the individuals from other agencies were anything other than appropriately trained and qualified.”

Q. Now, the next heading is the measures taken in an endeavour to
25 stabilise the atmosphere within the mine, and in 191 and 192, you tell the Commission what you’ve already said about trying to effect a temporary seal and how you had asked for the GAG machine to be operated earlier than in fact it took place, so I don’t need you to read that out again. Under 216, we’ve got the extent of the search, rescue,
30 recovery operations. How it was impacted by the geography in the mine and its environment, could you read that please, 193.

A. "The geography and location of the mine presented and still presents physical and logistical challenges. For example, helicopter is the most effective method of transportation to view the top of the mine shaft."

Q. Design of the mine.

5 A. "The location of the mine was more of an impact than the design as the effective location of a second means of egress was made difficult due to the terrain."

Q. And under, C, systems in the mine.

10 A. "Lack of underground monitoring, due to the explosion damaging the real time system, made collection of gas samples very difficult. The tube-bundling system I had suggested purchasing would, in my view, have made a difference in the reliability of the information available to us. Obviously depending on the magnitude and the location of the initial blast."

15 Q. Now, just pause there please would you?

MR HAIGH:

Your Honour and Commission members, I had intended to raise the tube-bundling issue in the third Phase, but I understand from other counsel that it is likely to be raised here and it may be of help to the Commission now to know
20 the background to when the tube-bundling issue arose and steps that this witness took. So,

THE COMMISSION:

Are you aware we had some evidence from Mr Whittall on that topic as well.

MR HAIGH:

25 I am.

THE COMMISSION:

You are aware of that.

MR HAIGH:

What I've got here is some documents I don't think Mr Whittall had and they may assist the Commission.

EXAMINATION CONTINUES: MR HAIGH

5 Q. Now, I want to ask you about the tube-bundling system. Just briefly explain what it is?

A. As the name suggests, it is actually a bundle of tubes. The tubes are, from memory, 12 and a half to 13 millimetres in diameter and are made of plastic. In normal mining operation scenarios, they are run from a point of contact to various parts of the mine, they're channelled back through, what is called a marshalling board, where any moisture that has been collected as the samples come back through the mine can be dispersed. From there they exit the mine at some point and they go onto a marshalling board on the surface where the samples are then drawn through a machine, ordinarily called a Maihak analyser and are analysed by that machine. A number of mines have these systems in place. They can have 10, 20, 40 tubes, depending on the size of the mine.

1420

20 Q. Now, can you take us back in time in 2010 when, one your evidence, you suggested tube-bundling? Tell us about who you suggested it to and the process that you followed?

A. On my arrival at the mine, having gone through a settling in period, I made a couple of suggestions, one of them was that we should have a tube-bundle system. I made that suggestion due to the fact that we were a remote site and it would take in the event of an incident happening, possibly 40 minutes to an hour to get a sample from the mine site to Rapahoe Mines Rescue Station and that would be if the sample was flown there. If the sample was actually driven there, it could take up to two hours to get the sample and the information from that sample. I made the suggestion very early on in the piece that I think the mine needed a tube-bundle system. I got the opportunity to put that into

the original budget which I'd been asked to prepare as the operations manager in June 2010. In June 2010, I had made contact with SIMTARS with both Darren Brady and Paul Harrison who are both officers of SIMTARS in Queensland and asked them to provide me with information as to the cost of a tube-bundle system.

5

Q. Just pause there would you please? Members of the Commission, I only have three copies of this correspondence, I'm sorry, I wasn't going to introduce it, but if I can make one copy available to The Commission, one copy to the witness, one for me and then I'll have them copied at the next break. Now, you mentioned communicating with Mr Paul Harrison as one of the person's as to the cost of the tube-bundling system?

10

A. That's correct.

Q. And of course he was with SIMTARS. You'll see there, we'll call it email number 1, an email from you to Paul Harrison of SIMTARS dated Tuesday the 1st of June and the subject is, 'Budget estimate for the tube-bundle system' and does that read, "Doug, attached is a budget estimate for a tube bundle as requested"?

15

A. Yes, it does.

Q. That's actually from Mr Harrison to you?

20

A. That's correct, on the 1st of June.

Q. How did you make that request?

A. Initially I phoned Paul. I may've phoned Darren before I phoned Paul, but I made the initial contact by telephone, due to the fact that I know both people extremely well.

25

Q. Was this before you put the tube-bundling estimate into the budget, or the tube-bundling suggestion?

A. Yes. Yes, it was prior to including it in the budget process so I could be sure of the potential cost of the system.

30

Q. The next step, he refers there to attaching the budget estimate, but it seems from his email on the 3rd of June to you that he'd forgotten it, is that correct?

A. That is correct.

Q. So does his email of the 3rd of June read, "Doug, I forgot to include the tube costs in my email the other day. I'm out of the office today, but I will send them tomorrow when I'm back. Sorry about that." Correct?

A. That is correct.

5 Q. So that's email number 2, then do you have an estimate from SIMTARS for the tube-bundling system which is dated the 1st of June, presumably prepared to be sent on that date, but it wasn't and you didn't receive it until after the 3rd of June, is that correct?

A. That's correct.

10 Q. And that has the entirety of the tube prices and so forth, is that correct?

A. It has a cost estimate for a 20 point tube-bundle system and also a 40 tube-bundle system, including the tubes.

Q. And if you look at that estimate, page 2, it has the estimate of costs for a 20 point system, is that the 20 tube system?

15 A. Twenty tubes, yes.

1425

Q. And is that total, or is that the total there \$397,000 plus 32,000 plus tube?

20 A. The surface installation \$397,000, underground installation \$32,000 plus tube and the tube from memory is I think about \$7 or \$8 per metre.

Q. I not even going to try and work that out, but we're talking here about what \$420,000 plus?

25 A. I think I had budgeted for the 40 tube system so we wouldn't have to go back at a later stage and upgrade the system and my budget estimate was in the region of \$800,000 to \$1million.

Q. Does that take into account the estimate here for 40 point system, plus the cost of installation?

A. Yes it does.

30 Q. And its standard terms and conditions are set out and is the next item which we'll call, email number 3, dated the 16th of June?

A. Yes it is.

Q. It's from Mr Harrison to yourself?

A. Correct.

Q. And it says, "Doug, I have compiled the tube estimates for the tube-bundle system but rather than send it to you as a separate document I thought I'd re-issue the estimate with the details included so you can keep it together in the same document."

5 A. That's correct.

Q. And so that's another estimate which seems to be an upgraded one, and that's dated the 16th of June, is that correct?

A. Yes it is.

10 Q. And that's got more prices and more details and also the part tube details, the part number and so forth?

A. It has all the associated parts, fittings, ferrules, basically the nuts and bolts of the system included as well.

15 Q. Now the final email in this trail is dated the 7th of September from Mr Harrison to you, re leasing update. Now before we read that out, I want you to please explain the position as from when you received his email with the second estimate or upgraded estimate dated the 16th of June?

20 A. On receipt of the final proposed costing, I submitted the budget estimate as a due process for budgeting in a coal mine, from memory the process had to be completed by the 30th of June. I submitted that along with a number of other budget requirements for equipment and various other bits and pieces that were essential for working the coal mine, I submitted that by, from my recollection the 30th of June, which was the due date for the budget to be completed, or the first cut of the budget to be completed.

25 Q. And who did you forward that to?

A. That was forwarded to, eventually to Mr Peter Whittall through Angela Horn the company financial officer, chief financial officer.

30 Q. Do you have a copy of your estimate which present your budget requirements, assuming it was in writing?

A. It was on an excel spreadsheet. I have searched through the information that I have and I cannot find an actual copy of that.

Q. Right, what happened after you'd put that in for the June budget? That was for which financial year?

A. That was for financial year 2010/2011.

Q. Yes what happened then?

5 A. The budget goes through I suppose a number of machinations, a number of different cuts to – in a normal budget process everybody puts a wish list in and that wish list is normally turned into a more realistic list of what the actual costs are going to be. Now through the process up until June, from memory and I'm going from memory here, I put the, I
10 put in the first cut that the tube-bundle system I'd like it to be included in August –

Q. August 2000 and?

A. August 2010. I then went back and revisited that request and in light of the fact that the mine was not developing as fast as what had been
15 expected, I remember having that put back until November of 2010.

Q. Just pause there. Why would the slow rate of growth for the development of the mine affect the obtaining of a tube-bundle system?

A. It was all to do with timing and obviously when the money that was available could be spent. It was also due to the fact that as a
20 developing mine there was no potential at that stage of having a goaf area, which is an area that has been extracted.

1430

1430 GB

A. It was all to do with timing and obviously when the money that was
25 available could be spent, it was also due to the fact as a developing mine there was no potential at that stage of having a goaf area, which is an area that has been extracted. The tube bundle system is most effective and most, gonna say most reliable, it's used most reliably in mines that I've worked in for sampling behind sealed areas. So the fact
30 that we didn't have a goaf to work in meant that getting it in November was not, sorry, getting it in August was not that essential because we've calculated that we wouldn't actually have a goaf to monitor until sometime after September.

Q. You referred to a wish list and more realistic proposals. Was this a priority or not as far as you were concerned?

5 A. I had, since arriving at the mine, talked at the prospect of purchasing a tube bundle system. As far as I was concerned it was one of the priorities that we should be heading towards. In light of the fact I believed that it was a very good system for, as I've said, monitoring behind sealed areas.

Q. Now what was the response from the company, presumably through Mr Whittall?

10 A. Sometime after September or during September the company went to raise more money from New Zealand Oil and Gas. At that stage we were asked to revisit our budgets and see if there was anything that we could move further back that wasn't absolutely essential in the first half of the 2010/2011 budget. I remember having a conversation when that process was completed. And when I say, "A conversation," Peter had asked me, or said he wanted to talk to me about the tube-bundling system. We never actually had a conversation on it but it had been moved out now to April 2011.

Q. Were you satisfied with the delay?

20 A. No.

Q. What if any steps did you take to remedy the delay?

A. Seeing as the system required a rather large injection of capital it was actually a proposal put to me by, I think Darren Brady at the time with some of the conversations I had from SIMTARS, that we could actually lease a system and that would then take the cost away from capital and put it into operation and effect spread the cost of the system over a number of years rather than have to pay for the system up front.

25 Q. And when would a leased tube-bundling system have been available for installation?

30 A. Pretty much as soon as we had organised the lease and been able to start the process.

Q. Well knowing that there was a tube-bundling available for leasing, what steps did you then take?

A. Well I informed people at the mine site that this was a process. I do remember talking about, at our weekly managers meetings that we had, and that I'd started taking steps to organise a lease. So I'd been touch with Paul Harrison and Paul had roughly run me through the process that was involved and explained to me that it would have to go – these were telephone conversations that I had with Paul, that the Queensland Government as an entity does not organise leases and that they would have to go to a financier who would get in touch with Pike River and organise the financing around the lease. So effectively until that was done there wasn't much more could be done from the SIMTARS end, it just had, the process had to be sorted out between the financiers.

Q. And was there any delay from when you were told that it would have to be dealt with that way before you heard any further from Mr Harrison?

15 A. From memory a couple of weeks passed and I hadn't actually heard anything. And I do remember I actually called, from memory, the Commissioner of Safety and Health and –

Q. Is that in Queensland?

20 A. That was in Queensland, yeah. And again, knowing the people as well as I do in that department I had a, I wouldn't say a cheap shot, but I had a bit of a shot at the process and how long it was taking.

Q. Was the next step, you received an email from Mr Harrison dated Thursday the 7th of September?

A. Yes.

25 Q. Just read that out would you please, it's from Mr Harrison to you?

A. Yeah, it hasn't printed very well but I'll do my best.

Q. Well why don't I read it out and you just check it?

1435

30 A. Well, I can read it, it's just it's a wee bit all over the place. "Current status of your rating request."

Q. No, it's addressed to you is it?

A. Sorry, it's addressed to me. The subject, rating update. It says, "Doug. Current status of your rating request is we've spoken to NABS executive

general manager of Globalised, Specialised Finance, through the Queensland Treasury Corporation.”

Q. Now, just pause there, who's NABS.

A. NAB is the National Australia Bank as far as I'm aware.

5 Q. They've spoken to that bank.

A. “Executive general manager of Globalised, Specialised Finance.”

Q. Yes, carry on.

A. “He's referred the request to Sherry Rahu at the Bank of New Zealand who will be in contact with you. Sorry it's taken some time to get the
10 result, but this is new to us and the fact that you're in a different country, further adds to the complexity. Regards Haro.” That's Paul Harrison.

Q. Do you have a further email there?

A. No I don't.

Q. Just bear with me a second.

15 **MR HAIGH ADDRESSES THE COMMISSION – FURTHER EMAIL**

EXAMINATION CONTINUES: MR HAIGH

Q. So the one you've got here, the 7th of September, Paul Harrison's telling you that it's taking some time and that, effectively, they'll get back to you when the information's available?

20 A. Correct.

Q. And did you receive one more email in this?

A. I received an email from Paul Harrison on the 28th of October and it said, and I won't be quoted on this until the email can be produced, but it said that, “Stewart had been in touch and passed on that you weren't
25 happy about how long things were taking, that the financiers,” and it does go on to say that this information was unusual that it should be passed on, “That the information was passed on, that the financiers had approached Pike River Coal and were told at the time the system would not be required,” or words to that effect. Like I say, I'd like to be able to
30 produce the email to verify that.

Q. Was there any reference that you can recall to it not being required because it wasn't necessary?

A. Along those lines, John, but I would like to verify that.

Q. Yes, I'm sorry sir, I thought that was attached but I will make that available. So, what did you understand from that last email?

5 A. Well, I understood from that that at that stage we weren't having a tube-bundling system.

Q. What about the proposal that it be in the budget for April or May 2011?

10 A. I cannot recall extending it out to April or May. The reason that I have gone and followed the leasing option was so I could get the system purchased as quick as possible because with the mining activities that were happening at the mine, it was likely that we would have a goaf area that the original hydro panel would be completed sometime during, possibly early January, possibly mid-January depending on how well production had gone and my intention was to have the system in place, or at least been started to put in place, for the formation of the first goaf.

15 Q. Can I just ask you this. Are you able to say, if you can't don't try, are you able to say what impact the tube-bundling system would've had if it had been in operation at the time of the explosion on the 19th of November?

20 A. It's not possible to speak with any authority on what actually may have been able to happen, but I can make reference to systems in the past, and again, I'll refer to the Moura disaster on the 7th of August 1994, where the underground explosion, from recollections in 512 panel, it wiped out the tubes in that area, but it allowed the monitoring system to keep sampling and by using the still functioning tubes, it allowed the rescue services with some relative degree of accuracy to pinpoint where the explosion had actually started, but it would all depend on whether or not and how and if any system would survive a blast dependent on the magnitude of the blast.

25
30 Q. Now, turning to paragraph 196, as we've nearly ended your evidence in chief, under 'Information and equipment provided by the company', can you read 196, please?

A. "The information provided by the company was essential in understanding how the underground mine environment may have been influenced by the expected build up of gas."

5 Q. The next heading is, "The measures taken in an endeavour to regain full or partial access to the underground reaches of the mine". Read from 197 please?

10 A. "All reasonable practical steps were being taken to gather information about the underground environment so that a rescue could be mounted. Measures included drilling holes from the surface and establishing monitoring points at the grizzly, the vent shaft and the Slimline shaft."

Q. You're then asked about comparisons between previous operations in New Zealand, that's comparisons between search and recovery operations and you've got no personal knowledge of that, correct?

A. That is correct.

15 Q. And in terms of previous, similar operations in other countries, you comment under paragraph 199, can you read that please?

20 A. "The most recent similar operation I have knowledge of was the Moura Mine explosion on the night of the 7th of August 1994. The similarities are that like Pike River it was difficult to get information from the mine atmosphere and the mine exploded a second time sealing the fate of the miners still below ground."

Q. 'International best practise' at paragraph 200?

25 A. "I only have personal knowledge of what is best practise in Australia. The actions taken given the lack of reliable information, were consistent I believe with Australian best practise."

Q. And you have no additional information relating to search, rescue and recovery processes employed in other similar hazardous environments, correct?

A. No, I do not.

30 Q. And finally, 'The communications with the families of the men during the search, rescue and recovery operations', can you please read from paragraph 202?

A. There is actually a mistake at paragraph 202, since I've written this brief, I said, "I instructed the HR manager, Richard (Dick Knapp) to notify and contact people listed for the Pike employees underground, once the identities of those employees had been confirmed". It is actually noted

5 in Mr Whittall's statement that he actually made that request.

Q. All right, 203 please?

A. "The families of the men, which includes both contractors and employees were updated every day for a period. I'm not sure of the exact period between the first and the fourth explosions. I was not

10 involved in that process of updating the families."

Q. Carry on.

A. "Then after, the families were updated every week by the police and a Pike River employees' representative until the police handed over to the receivers. I was personally involved in the family updates from late

15 December until my departure from Pike River on the 15th of May 2011."

Q. Yes, over the page, please?

A. "Family update meetings were held every Wednesday in the Anglican Church hall. Also, from February the 2nd, 2011, the families were given written updates that would outline gas results and other recovery

20 activities."

Q. Now I want to ask you a few further questions on this, with particular emphasis on questions 20 and 21 that the Commission have expressed interest in and you don't have those before you, but they relate in the first instance to appropriate steps taken to contact the families

25 immediately after the first explosion. You've given your evidence on that.

A. Yes, I have.

1445

Q. Secondly, when briefings occurred after that, were false hopes raised and secondly was material information withheld or its release unduly delayed? Do you have any comment on the false hopes, whether false

30 hopes were raised?

A. No I can't comment on whether or not false hopes were raised, 'cos at that time in the – as the disaster unfolded I was on nightshift and I wasn't actually involved in the communication process.

5 Q. Was material information withheld or its release unduly delayed to your knowledge?

A. There has been an occasion where it's been claimed that material was unduly withheld, that was certainly not the intentions of anyone that I'm aware of either on site or as any part of the rescue operation.

10 Q. Well were there any, for example, any expert evidence or expert information given to the families that you challenged, other than what you've described?

15 A. I did challenge some of the expert information that was given. In particular a meeting was held the date of which I can't remember, but it was expressly requested that neither Mr Whittall or myself turn up to that particular family meeting. I was made aware prior to the family meeting what the general gist of what that meeting was going to be and that some theories were going to be expanded on that it was – that a recovery was not going to be possible.

Q. Just pause there, are we passed the rescue period?

20 A. Sorry?

Q. Is this passed the rescue –

25 A. This is passed the rescue, this is the recovery period. I understand present at that meeting were the Commissioner of Police, Mr Howard Broad, the then Minister for Mines and Energy, Mr Gerry Brownlee, a police expert in the shape of Mr David Reece, there may have been other people there, I can't confirm that were other police there though I suspect there were, but it was made clear to us that we were not to attend that meeting. Like I said, we had found or I had found out through other means what the general gist of what that meeting was going to be and I had actually spoken to Mr Neville Rockhouse due to the fact that I couldn't personally – I was asked not to attend the meeting, I'd given Mr Neville Rockhouse some questions that he should ask the police expert. My understanding is that when the

30

police expert started to give his explanation of what was going on, that Mr Neville Rockhouse did ask those questions and upon the asking of the questions the police expert stopped giving that information.

Q. What did the information relate to, to your knowledge?

5 A. It relate to the prospect of a successful recovery.

Q. At that point did you believe it was possible for a successful recovery?

A. Yes I did.

Q. Was the gist of the expert evidence as such otherwise in there?

A. Again my opinion, my opinion was that they were certainly trying to
10 down play any chance of a successful recovery being mounted.

Q. Just pause there a moment please.

**MR HAIGH ADDRESSES THE COMMISSION – DEPARTMENT OF
LABOUR/POLICE INVESTIGATION**

1450

15 **THE COMMISSIONER ADDRESSES MR HAIGH – BUNDLE OF
DOCUMENTS**

EXHIBIT 16 PRODUCED – BUNDLE OF DOCUMENTS

20 **MR HAIGH:**

And I'll have the other one available at the break Your Honour, do copies for all my learned friends.

**THE COMMISSIONER ADDRESS COUNSEL – SEEKING LEAVE FOR
CROSS-EXAMINATION**

25 1455

THE COMMISSION ADDRESSES COUNSEL – APPLICATIONS GRANTED

MR DAVIDSON:

Your Honour, Commissioners, could I just indicate broadly the way I propose to cross-examine because the fields will be easier to understand in that

context than the application was. Firstly, apart from introductory section just with Mr White's experience that's relevant to the questions, the events around 3.45 pm on the 19th of November, immediate factual events and the responses that were made at that time, and in that regard, Your Honour and
5 Commissioners, I intend to refer to this document which we have in this, I don't know which form you have it in but it's in the record under...

THE COMMISSION:

This is the police chronology divided into component parts?

MR DAVIDSON:

10 Yes, it's a very helpful document but there are some issues about what it contains which are highly relevant to the factual determinations you make, I want to explore with Mr White and for the record, so everyone can see it, it's SOE.014.00118/1. The second area is the critical area of the self-rescue and rescue opportunity and how it was taken and that includes consideration of
15 the fresh air base and the self-rescuers and access to them. That links to a third section which is a sensitive one for the families because it revisits the evidence, to a degree, given before the Coroner and in terms of the issues you've identified. I should say here, that this is not an attempt or an intent for the families to try and challenge the Coroner's findings, but there have been
20 two matters in particular which have arisen since the Coroner's hearing which are relevant to determining both the timing of death and the opportunity for rescue. So that will link to that second point, third point. Then I wish to turn to their relationship with the families, information given to them, what we put in broadly under the, "No surprises," heading. This is an expression which arose
25 in January this year when the matters just referred to in evidence cropped up when an announcement was made by the then Commissioner of Police, Commissioner Howard Broad, regarding the future state of the mine and potential sealing. So those are the broad categories which I intend to explore.

CROSS-EXAMINATION: MR DAVIDSON

30 Q. Mr White just first to acknowledge and to reassure the Commissioners that you have experience I think even today, I know today that there is

- liaison between counsel to try and avoid unnecessary cross-examination, so part of your evidence has been clarified as a result of raising points with your counsel Mr Haigh today. You've had 32 years of experience as I calculate it; apart from two years off you've been in the mining game?
- 5 A. Correct.
- Q. And your qualifications appear to be – are at a very high level including a First Class Mine Managers Certificate of Competence?
- A. Correct.
- 10 Q. And you have been the regional manager of safety and health in Queensland?
- A. Correct.
- Q. That was only two years before you came to Pike River, 2008?
- A. Yeah, immediately prior to coming to Pike River I was actually the deputy chief inspector of coal mines in Queensland.
- 15 Q. Now as part of the work you've described in your evidence, that responsibility included something to do with inspections and training programmes for emergency response?
- A. Correct.
- 20 Q. And as I understand it in Australia, you have different levels of emergency response training?
- A. Yes, that is correct.
- Q. And you've actually supervised or been involved in the testing of those levels?
- 25 A. That's also correct.
- Q. And can you just tell the Commissioners, Commissioner Bell probably excluded from needing to know this, in the four levels which are described, four levels of test for emergency response, does New Zealand have any equivalent?
- 30 A. Not that I'm aware of.
- Q. When you came to Pike River what was your understanding of the emergency response processes? What were you told when you arrived?

- 5 A. We had an emergency response plan, Emergency Response Management Plan that I was aware of, I was aware of the fact that there is an active Mines Rescue Service in New Zealand, but other than that it would be fair to say that I wasn't aware of other rescue provisions for coal mines.
- Q. Now one of the briefs of evidence before the Commission is that a Mr Kenneth Singer, who's known to you?
- A. Yes.
- 10 Q. And for the record it's under SIM0002/1 and in that he refers to the four levels of exercises with external support involved including what seems to be – I'll just run through them for the record, level 1 – state level exercise; level 2 – major mine site exercise; level 3 – miner mine site exercise and 4, level 4 – supporting exercises. It sounds a very structured system?
- 15 A. Yes it is.
- Q. When you arrived at Pike River from your evidence, you came in January 2010, so roughly 11 months before the explosion?
- A. Almost to the day.
- 1505
- 20 Q. And your first job was as operations manager, which you held till June 2010 when you became also the statutory manager?
- A. Correct.
- Q. Were you familiar with the role of statutory manager in your previous life in Australia?
- 25 A. Yes, I'd been the statutory mine manager at a number of coal mines in Australia.
- Q. And are they the equivalent of the New Zealand statutory manager in terms of statutory responsibilities?
- A. Essentially, yes.
- 30 Q. You then proceeded to become, on 20th of October 2010 you became the manager, is that right?
- A. The general manager.
- Q. General manager, yes?

A. Yes, sir.

Q. Part of your evidence which stands out given the seniority of your roles was that you had no job description?

A. That is correct.

5 Q. Was that a first in your career?

A. Not necessarily, no.

Q. In recent times?

A. I have filled the role of mine manager before without a job description.

10 Q. The reason I raise it, it's in your brief. You had no job description. Did it affect your performance in some way?

A. I don't think so. I mean I think it would be fair to say that with nearly 10 years experience as a mine manager, I fairly much knew what was expected from me.

15 Q. So you created your own job description? That's not an off-hand comment.

A. No, no, I understand what you're saying, I mean I think it's fair to say that I did understand what was expected of me as a mine manager.

20 Q. And I think it's clear from your evidence that you thought, "Well, I'll apply as best I can Queensland Standards", that appears in paragraphs 26 and 27 of your evidence?

A. That's correct.

Q. They are the exemplar for you, or those you're most familiar with, I take it?

25 A. They are, and I say that due to the fact a number of jobs that I've done in the past, especially during the time I worked for the Queensland Government was actually promoting Queensland legislation in various parts of the world.

Q. Yes, and been adopted in various parts of the world?

30 A. I wouldn't say it'd been adopted, no, but we certainly were in the process of trying to get people to adopt what was, we believed, the best system of legislation, which certainly I believe was the best system of legislation I had worked under up until that stage.

Q. When you came, were you aware that, to Pike River, that there had been a full emergency exercise carried out in 2009?

A. I had been made aware of it at some stage.

Q. And was that during your tenure between January –

5 A. No.

Q. When did that happen? When did you become aware of it?

A. I don't know exactly when it – oh, sorry, it was – during my tenure I was made aware that that happened, yes.

10 Q. And there had been a formal written feedback from Mines Rescue Services?

A. I was also made aware of that, yes.

Q. Had you considered that? Did you read it?

A. No, I haven't read it, no.

Q. Do you know actually what happened, what occurred during that test?

15 A. Not exactly, no.

Q. Now Mr Rockhouse's brief refers to this and I'm just simply going to, without putting it up on the board or anything like that, just identify the fact that that was to test the Pike River emergency procedures and duty card system, to subject the surface controller to an emergency scenario and to subject underground officials to an evacuation scenario while the mine was in full operation, so it sounds like the sort of thing you talk about with the level one or two training in Australia?

20

A. It's probably more aligned with a level two type exercise.

Q. Yes, more major, fairly major exercise?

25 A. Well, when I say aligned to level two, level two are normally contained on site, whereas a level one is a state-wide emergency exercise.

Q. Now you had a reporting function to you in health and safety, didn't you, and training?

A. Yes, I did.

30 Q. And Mr Rockhouse says that an emergency exercise was planned for 2010, you aware of that?

A. Yes, I am.

Q. Who was going to conduct that?

A. Neville and I had discussed the prospect of an exercise in 2010 and Neville had made his – how do I put this? Neville had more or less implied that he wanted to use New Zealand Mines Rescue in the formation of the process of that exercise. I'd suggested to Neville that what we should do is run it more along the lines of the last level one exercise that I ran in Queensland prior to leaving, and that was we would organise the process ourselves and test the other emergency services. So rather than involve them in the process where we knew what was going to happen, the expectation was that they would be in involved actually in the mock emergency.

1510

Q. Now that in fact was planned really in the weeks after November last year wasn't it?

A. We had started the planning process.

15 Q. Right. I turn now to the events of the 19th of November. And we see from the evidence you've given that the first indication that you had, which turned out to be of something wrong, was the flickering of lights?

A. That's correct.

Q. When you're at the base, Pike River base?

20 A. When I was in my office?

Q. Yes. And the evidence you give records at paragraph 34 that you learned that the communications, or comms I think you call them, were lost at 3.50?

A. Yes, that's correct.

25 Q. Now you were asked about it by Mr Haigh but so we can draw it all together, does that mean that from that point on there was no telemetric communication from the mine, the raft of information that comes up electronically was lost?

A. That is also correct.

30 Q. So you knew that but you expected or understood at that time that there would still be telephonic communication with the mine?

A. That's correct.

Q. Both DACs and phone communication?

A. Both DACs and telephones.

Q. And at that moment you don't know, and understand this, how many phones there were underground altogether but did you know where all the communication systems were underground?

5 A. I did not know the exact location of them all, no.

Q. Was there a record of them?

A. Yeah, there was a plan regularly produced, and I can't remember offhand when the last one was produced, but there was a plan regularly produced with the locations of telephones and DACs on it.

10 Q. Right. Because it sounds from the evidence we've heard that phones get moved around quite a lot, particularly as the mine's advancing?

A. It would appear that they were moved around and I have knowledge of them being moved around, yeah.

15 Q. Now I want to turn to the point at which you realised that you had a major event on your hands. And getting to that point I think involved your discussing the position at the portal and realising, or learning, that the power was down?

A. That is correct.

20 Q. Was that the moment at which you realised that in fact there was a real emergency?

25 A. No. I think it would be fair to say at that point I realised that something wasn't right. There was still no verification that a major event had actually happened other than, as I've said in my brief, that we did smell a rather strange smell in the administration area prior to me going up to the portal. The communications when I went into the control room and I spoke to Dan Duggan, the comms system was in fault but at that stage, even at the portal when I'd gone up there it appeared that ventilation was still going into the mine. There was certainly no indication that there had been any kind of major event and the only thing that was actually out of place was, as I've said in my statement, a piece of
30 brattice lying on the ground, which if nothing else was untidy.

Q. Now I think a lot of people, including the families, are puzzled by that evidence that the only thing there was the brattice which was perhaps

explicable by some other cause and that despite the explosion they've seen on video at the portal there is simply no other sign of there being an explosion?

A. Yeah.

5 Q. That is your evidence?

A. That is the evidence, yeah.

Q. Well you've learnt that the power is out, the comms are out, and you go back and you have a communication from Mr Strydom?

A. I do, yes.

10 Q. And at this point, this is the point at which you realise there has been a significant event?

A. Absolutely.

1515

15 Q. Now, at that stage, in terms of your training and experience, what is the first thing that you are prompted to do as the manager, what's the first thing that you are bound to do?

A. The first thing that I did and was bound to do was get Daniel to phone the emergency services, including, I think it was, Mines Rescue in the first instance and then the other emergency services, ambulance, 20 police, fire services. I cannot commit to the order that was done in, but from recollection it was definitely the Mines Rescue Service first.

Q. Now, we know this incident takes place and depending on the reading we have, at about 3.45 pm and you get active and you do what is required, are you, in your mind, activating the emergency response plan at this stage? 25

A. Not only in my mind did I activate the plan, I physically activated the plan by starting to have duty cards issued to the people that were available on site.

Q. Mr Strydom had gone into the mine of course, went into the mine?

30 A. Yep.

Q. Was that part of any emergency response?

A. No, Mr Strydom's venture into the mine was at the behest of Mr Ridl who'd asked him to go and reset the power. At that stage there was no indication that there was anything untoward.

5 Q. Because had there been anything untoward that simply wouldn't have happened, he wouldn't have gone in by himself presumably?

A. There is no way that anyone would've been sent into the mine as is the case from that point onwards, if we'd known there was anything untoward.

10 Q. Now, it appears, quite clear from your evidence that, and I'll come back to one or two incidents in the timeline in the next hour and a half with which we're concerned, but it appears that one of the first issues, in your mind to be addressed, was the gaseous state in the mine. What was the gas state in the mine?

15 A. That was one of the first issues, yeah. I wouldn't say that that was the first issue, I think from memory the first issue was to start trying to account for who was actually in the mine and I think I said in my evidence that we secured a tag board, and I did that by using the people that were around me which is what the duty card system empowers you to do is to use your resources and Gareth Thomas who was, at the time,
20 one of the pondies was there, so I instructed him to make sure that the tag board was protected, that no tags went on and no more came off. I then would've started the process of informing Wellington and then I was trying to get a grip of what was actually going on at some stage started to put my mind towards how we could actually get information
25 from the mine.

Q. Now, that brings me then to the document that I've referred to, which to repeat is at SOE01400118/1 and we're going to refer to a section of this document at page 6.

WITNESS REFERRED TO DOCUMENT EXHIBIT 15

30 Q. I'm going to first of all explain the layout of this document as the police have coloured it, you don't have the colour on the wall but I'm going to explain, so not just to the Commission obviously, but everyone else here can understand the layout. It's in on this page, three sections, and on

the left two columns there is a section called, "Missing persons," you see that?

A. Yes.

5 Q. There is in the centre on the version that is coloured in just ordinary print, a white background, the mine and in the right three columns there is the co-ordinated emergency response, you see that?

A. Yes.

10 Q. And there is a legend to this document which records that when it comes to times, we've shown here, and this appears at page 3, and I'm not going to take you to it, I'll tell you what it says. It says, "A time shown in italics indicates the exact time of the event is unclear or is estimated." Right?

1520

A. Yep.

15 Q. And therefore if it's in ordinary type it is thought to be provable?

A. Okay.

Q. And at the page that we have open, which is page 6, we get to the events that have been discussed in evidence involving Daniel Rockhouse and your communications with him?

20 A. Correct, yep.

Q. And if you look at the second column, at 17.26, you'll see Daniel Rockhouse and Russell Smith exit the portal at 5.26?

A. Yep.

Q. And you see that's in ordinary type?

25 A. Yep.

30 Q. If you look at the top of the left-hand column, very top, you'll see at 5.15 Daniel Rockhouse uses a phone in the mine and rings 555, goes to an answering service, he tries again and gets Daniel Duggan and then the next entry under 5.15 if we just bring it up please, scroll up, I'll just read ahead, "Daniel Duggan receives a call from Daniel Rockhouse and puts the call on speakerphone. He's asking for help. Duggan asks if he's injured to which replies he is not injured, but he can hardly see anything, he can hardly breathe and then it goes on Doug White arrives back in

the control room and takes over the conversation.” Now on the face of it if you didn't pay regard to the legend it looks as though 11 minutes later, after that phone call, Daniel's left the mine?

A. On the face of things, yes.

5 Q. Now we know that can't be right don't we because he was 1900 metres away when he made the call?

A. Due to the evidence that Daniel's given and the amount of time that he was taking, I would find it hard to believe you could get that distance in effectively nine minutes.

10 Q. Yes, well nine or 11 minutes or whatever it is –

A. Oh, sorry 11 minutes, I do beg your pardon.

Q. – we know he couldn't and the reason I'm raising this with you, he had to come down there, he was stopping for oxygen, he was helping Mr Smith and he finally comes out as we know to an empty portal, there's no one there?

15

A. Yep.

Q. Now I don't want to make anything major of this Mr White, but it is clear that for a long period of time, not the 11 minutes shown here, he was struggling down this mine, the two of them came out together and as you say and you acknowledge and regret there was no one there to meet them. So I want to link that with your thinking as you develop your response to this, what you both know was an explosion and known for some time, you've known from the time he has rung and you've known from the time Mr Strydom's reported it, haven't you? So you've had two pieces of in-mine evidence given to you although you wouldn't be certain as to exactly what happened with Mr Rockhouse, there's the possibility of his machine exploding, but you've had the other evidence of there being someone in the drift?

20

25

A. Yes.

30 Q. So in that period of time you are engaged in other measures to activate an emergency response?

A. Yes.

Q. And you've issued duty cards under the plan?

A. Yep.

Q. And you've done a whole host of things; the one thing that hasn't happened is that no one's actually gone back up to meet the men perhaps coming up such as Mr Rockhouse and Mr Smith or indeed anyone else who may have been coming?

5

A. That is correct.

Q. And the issue at that stage I presume in your mind would also have been that you'd been to the mine, you've seen what appeared to be an untouched or relatively untouched area, and the question would've been alive then, could anyone go in, even then? It's an open question.

10

A. No I think it's fair to say that the – whether or not anyone could've gone into the mine even at that stage would've depended and still depends on the availability of reliable information. With certain respect to – certain reference to gasses and the possibility of ignition sources underground.

15 1525

Q. It's a question I'm bound to put to you because the families need it put, as to whether given what you'd seen at the portal, that appeared all normal, obviously no gas coming out to your knowledge. It was ventilating in the ordinary way and men came out of the mine. They'd walked out from a distance, therefore the prospect of other men being in that reach from the portal down to 1900 at B1 as described by Mr Rockhouse, was at least a possibility?

20

A. It could've been possible, yes.

Q. But the Emergency Response Plan didn't include any probe or examination into the drift from the portal at that stage?

25

A. The plan did not, no.

Q. To be clear, are you actually – were you aware from where Daniel spoke to you from at B1 by pit bottom in stone?

A. I'm sorry, can you re-ask that question?

30

Q. When Daniel came on the line and spoke to you and Daniel Duggan, right, come to the conversation in a moment, were you aware where he was?

A. There was a bit of confusion in the first instance 'cos Daniel was, or appeared to be disorientated. I did ask, I do recall asking if he could tell me where he was and he wasn't actually sure where he was.

5 Q. Was there nothing to tell you at the control room as to where he was, what branch?

A. Oh, I'm sure if I'd checked the number on the telephone that he was phoning from then that would've indicated where he was, and I think it's possible that Daniel Duggan might have actually clicked onto that one.

Q. I'm not really concerned about what was said –

10 A. Yep.

Q. – so much as to know what was your thinking. You told him, clearly there's common ground, stay low, and basically get moving?

A. Yep.

15 Q. And you say you were aware that the fresh air base at 1500 had been decommissioned, but there may be a phone there?

A. Yes.

Q. So therefore you say you would not have said anything to him about getting to a fresh air base to get air?

A. Not for the purpose of rescue, no.

20 Q. So there's just a conflict of evidence between you on that point. So back to the issue that I'm really raising, is that for what really is a long interval between whatever the correct time of that phone call to the time he walked out, they walked out, there was no element of rescue or assistance available to them as they came down the drift?

25 A. No, I think you have to bear in mind that there was also hardly anyone on site, that at the time that the incident happened, the only two senior people on site were myself and Rob Ridl. Terry Moynihan who is the contract – or was a contract, project contract engineer and one of the, one or two staff from, some staff from McConnell Dowell, but no one to
30 my knowledge that was trained to mount any kind of a rescue attempt at that stage.

Q. So are you putting that fact there was no attempt to assist them down to that, there was no one trained to help there?

A. I'm putting it that due to the fact that the conditions in the mine were unknown with respect to the possibility for further explosions, that it would've been unlikely that anyone would've been allowed to go in the mine.

5 Q. So taking that to an extreme, but one that may have been real, standing at the portal with no sign of anything coming out, and looking in and seeing them at a distance, 500 metres or whatever it may be –

A. That's a very difficult question to answer.

Q. I realise that.

10 A. Yeah.

Q. But all I'm really doing is testing what response was available at that time.

A. I'm sorry, I can't comment on that.

15 Q. At that very first stage in the first half hour or so, it's clear that one of the first things you thought about was, "Well who is in the mine?" And although there may be some doubt about who gave the instruction, the tag board was to be examined?

A. Yes.

20 Q. And from the evidence you've given today, is it the case that you would usually expect the tag board to accurately reflect the men underground?

A. As far as practicable, yes.

Q. But that there's a slip every now and then, the kind you've described to us?

A. That would be a fair comment.

25 Q. And it is quite clear from the evidence that's given that this created a huge problem in a number of respects from your evidence, not to know who was underground?

A. Absolutely correct.

1530

30 Q. To be clear, the tag board applies, of course to miners and contractors?

A. The tag board applies to everyone.

Q. Yes.

A. Everyone and anyone?

Q. Anyone.

A. Who's about to enter the mine, whether they be a contractor, mine employee or a visitor.

5 Q. Yes. But the fact is it wasn't accurate and I'm not going to go to the passages in this police sequence of events, but if you read through that you see in the first few hours, indeed right through until the Saturday, until the Saturday morning, a whole series of the number of people underground, don't you?

A. I do.

10 Q. Which must have created a huge issue, not just where people were, who they were, and communications with families, next of kin and so-forth?

A. Yes it certainly did.

15 Q. Is this something from which anything can be learned at this stage or are those underground always going to be subject to the frailties of human nature so far as the checking in and checking out is concerned?

A. I would say it's not a problem that's restricted particularly to Pike River, that any mine that operates this system is governed, if you like, by the fact that if the system is not used properly the system can in effect not work. The only system that I've been exposed to in the past that was, I think it's fair to say, more robust with respect in knowing who was underground was a system that was in place with the National Coal Board whereby people were given a brass tag and the number on the brass tag corresponded with their cap lamp number and their self-rescuer number. They were actually issued that by a person in the lamp room and in most of the mines I worked in, in the UK were shaft mines, with vertical shafts into the workings, and you gave one of your brass tags to, the guy was called "the banksman," at the onset, banksman sorry, on the way underground and you kept the other one on
20
25
30 your person until you came up the mine and gave it to the onsetter on the way back out the mine. Now what that effectively did was that person collected all the tags, then went back to the, it was normally the pay office actually that issued the tags, went back and actually hung the

brass tag on the empty hook where the person's number was. So in the event that an event was to happen they could check the numbers of who were underground, 'cos the only person that actually had that tag and that lamp, and that rescuer was the person that that had been issued to. So to my knowledge, in the last 30 odd year, in the last 20 years of being exposed to the tag system I've never seen the system used in the UK used anywhere outside the UK except for on a couple of visits to China where they don't actually use brass tags, they use wooden chips like a Mahjong board. There is a person who actually takes the tag, yeah.

5
10
Q. Mr Rockhouse has described in detail the Northern Lights system as it's called, which you're obviously very familiar with, you saw in operation?

A. Yeah.

Q. It had its failings too and it was actually partly down during 2010 wasn't it?

15
A. That's correct.

Q. Have you heard of a system which involves a bit like someone taking something from a shop with a tag on that sets an alarm off?

A. I'm aware of bar code type systems that can actually scan people as they go into the mine, whether it's scans of cap lamp, or whether it's scans of helmet, there's a system that counts people going in and out of the mine. I'm not aware of, certainly in Australia or anywhere where that system's used, I have witnessed it in a mine in China but I would question the effectiveness of what I saw in the mine in China, but I'm certainly not aware of the system being used effectively in Australia.

20
25
Q. We'll come back to this, probably another phase so clear the point. Now I want to come to the circumstances which you would have had to bring to account as with the men underground had they survived the explosion on the 19th of November. You'll have read Mr Rockhouse's evidence I take it?

30
A. Yes I have.

COMMISSION ADJOURNS: 3.35 PM

COMMISSION RESUMES: 3.54 PM

CROSS-EXAMINATION CONTINUES: MR DAVIDSON

- 5 Q. Mr White, I want to move now to the issue of the opportunity the men, any man had who survived the first blast to be rescued or to self-rescue and this topic divides into two parts. Firstly, the pressure base is known at the face of the slimline shaft and the questions of self-rescue boxes. Now you've given evidence today and there's no issue raised in my questions about this, where you've said, "The possibility of self-rescue would have been influenced by the location and magnitude of the first explosion which is unknown." And options included the primary and most desirable egress being the main tunnel. Now your comments about the so-called secondary egress as you gave it today in Court was that you were told it was the secondary egress when you came to Pike River and your words were, "It wasn't the most acceptable form of second egress?"
- 10
- 15 A. That's correct.
- Q. Now am I right in thinking that in the course of this hearing, including Phase One, hey you would've learnt a great deal more about some of the history of the second egress so-called?
- 20 A. With respect to Pike River -
- Q. Yes.
- A. – or in general?
- Q. Yes, no Pike River about the shaft?
- A. Yep.
- 25 Q. Alimak rise?
- A. Yeah.
- Q. And the history of that and the fall that was experienced in the shaft, the concreting, the purpose of that and the fact that it was there and was described to you as the secondary means of egress?
- 30 A. Yep.
- Q. Now you would've been I presume in your capacity as manager, as a statutory manager, well familiar with the fresh air base in that area?

A. Yes.

Q. And you would've been familiar with the number of harnesses that were there for the purpose of those men who were going to access the ladder?

5 A. In the fresh air base or –

Q. To go up the shaft.

A. I, from memory I think there were four but there might've been eight. It was either four or eight.

10 Q. Yes. Did you really understand the mechanics of that secondary egress and how practical or practicable it was?

A. I understood the process that one would have to go through to use that as a form of egress.

Q. Was it a matter that concerned you?

15 A. I think it's fair to say that having never actually considered the possibility of the mine blowing up, in the time that we had as I said earlier planned the proper second egress, it was not a matter that overly concerned me.

20 Q. Now the reason it has become pointed of course is that there's already been evidence in this Commission regarding this and I'm referring Mr Raymond asked Mr Whittall some questions about it and Mr Rockhouse has responded in evidence which is to be given by him shortly and one aspect of it that I wish to put to you, is any suggestion that you had deemed this shaft, the second egress, as satisfactory as the statutory manager?

OBJECTION: MR HAIGH (15:58:51)

25 1600

CROSS-EXAMINATION CONTINUES: MR DAVIDSON

30 Q. I should make it clear Mr White and Your Honour, members of the Commission, my questions are directed only to what the state of this egress was, it's quality and its usability and then test that against the evidence of men who have survived or may have survived the explosion. That's it. So was probably a dud question to start with Mr White, because it got into other territory, so we'll get back on track

now. Now, I'm just wanting to put to you some of the matters that are identified in Mr Rockhouse's evidence about what he says in his evidence as the health and safety manager about this, so-called, secondary egress, all right. And in his evidence, and I'm not going to bring it up on the board as we go, is that his understanding was that when the, what was a 4.2 metre diameter vent shaft was put in, it was originally a maintenance access way to the auxiliary fan. Is that something you knew?

5 A. I'm not aware that that's the actual function as it was at the time, no.

10 1605

Q. And so there was going to be a ladder with rest platforms put in as described in the OSH Prevention of Falls Guidelines. That was what it was all about, okay? So, I'm just trying to pick up where your knowledge of history comes in here. You didn't know about that –

15 A. Not those particular ones that you mentioned, no.

Q. No. And what it meant originally was that engineers could access the auxiliary fan in bad weather on the surface, know, you can't fly your choppers in there in those conditions? Now, you know the history is the bottom portion of the 4.2 diameter vent shaft collapsed, you know that's history?

20

A. Yeah, I definitely made aware of that, yes.

Q. And the evidence from Mr Rockhouse is that Mr Kobus Louw undertook a – stopped all work and a risk assessment was conducted and there were some remedial measures taken, one of which was to reduce the total number of people allowed underground at any given time. Were you aware of that?

25

A. I'm only aware of that having read Mr Rockhouse's submission.

Q. But what we know is that when the bottom portion of the 4.2 diameter shaft collapsed, it was concreted to plug up the bottom 38 metres, you know that?

30

A. Yes.

Q. And then a smaller shaft was put in to access that main vent shaft and that's the other Alimak rise?

A. Yes.

Q. And that is 2.5 by 2.5 metres?

A. Yes.

5 Q. Now the evidence is that a Mr Michael Bevin, an Australia qualified mine manager was contracted during a period that there was a vacant production mine manager role being advertised. Do you know Mr Bevin, you knew him?

A. I have met him on occasion, yes, sir.

10 Q. Yes. And the evidence is that once an obstacle was struck, namely hitting the stone graben, the mine plan's changed and with the change, where the works headed to the north, a decision was made by someone to make the Alimak rise the second means of egress from the mine, thus converting it from what it was originally, the service shaft to an actual exit or egress. Did you know that history?

15 A. Not entirely, no sir.

Q. What is relevant to your tenure is Mr Rockhouse's evidence that he began from then to fight against this idea a stopgap measure becoming a long term solution. Do you recall that being a position adopted, there was a bit of a struggle over the Alimak rise?

20 A. I certainly recall Mr Rockhouse having an opinion and a position on that, yes.

Q. And one of the points was there was no winding an engine or any mechanical hoist for someone who was injured. It's a straight up climb or lift?

25 A. (no audible answer 16:08:33)

Q. That was a yes?

A. Oh, I can confirm that.

Q. Yes, Mr Raymond's right, a nod won't record.

A. Sorry.

30 Q. And at that stage, or early on, Mr Rockhouse's concern was there was a 50 metre vertical ladder with no platforms, that was early design phase?

A. Yep.

Q. And you'd need what he calls a four arrest harness and lanyard to climb the ladder and there were eight sets, four in engineering and four in the safety department?

A. Yes.

5 Q. That was something you did know obviously?

A. Oh, I didn't know that until I said before I'd read Mr Rockhouse's submission.

10 Q. Now his evidence is that it was clear to him that in an emergency the miners would not get up 50 metres vertically and then 10 metres on a slight incline. They wouldn't be able to do it. Was this discussed with you at all?

A. I think it's fair to say that we had discussions on occasions about that prospect.

Q. Do you recall discussions about the safe working load of the ladder?

15 A. No sir.

Q. So that would indicate there were discussions going on in a health and safety or technical area with which you were not involved?

A. Not entirely, no.

1610

20 Q. Is that possible though, things were being discussed in this area without your knowledge?

A. Oh it can be.

Q. Were you aware that an external audit was sought from Mines Rescue, regarding Mr Rockhouse's view of the Alimak rise not being suitable?

25 A. I can't recall if I was aware of that prior to or since reading Mr Rockhouse's submission.

30 Q. Well it goes back before your time because in Mr Rockhouse's evidence, at paragraph 67, he refers to an email of 1 October 2009 from a Mr Russell Howarth suggesting a test escape and where Mr Rockhouse arranged for a test to be carried out. Did you know about that?

A. I was aware of that, yeah.

Q. And do you know whether the test worked?

- 5 A. I can't confirm whether or not the test worked. I was aware, again not only from what I've read from Mr Rockhouse's statement, but I was aware that an attempt had been made to help people walk out of the shaft. The success or otherwise of that, I'm not entirely sure, I had heard comments from some of the individuals involved in that that it would've been a struggle.
- Q. And we're talking about people such as Mr Couchman, Adrian Couchman?
- A. Can't recall having that conversation with Mr Couchman, no.
- 10 Q. Nick Gribble?
- A. Certainly, yes.
- Q. Matt Coll, representing Mines Rescue?
- A. I'd never actually had that conversation with Matt, no.
- 15 Q. Did you hear a discussion during your tenure about given the, I'll call them difficulties with this egress there's be money spent on a refuge chamber?
- A. I've never heard of money being spent on a second refuge chamber, no.
- 20 Q. And I take it then you've never heard about what Mr Rockhouse says at paragraph 73, was that the purchase of an underground refuge chamber was borne out of a risk assessment teams assessment of an inability to mitigate the risk blown up to use the Alimak rise as a second means of egress?
- A. No sir I was not aware of that.
- 25 Q. Did you have discussions with anyone during your time about the Alimak rise as the second means of egress?
- A. Yes I did.
- Q. With Mr Rockhouse?
- A. Yes.
- Q. Mr Whittall?
- 30 A. I can't recall having a conversation with Mr Whittall, I may have done.
- Q. Now you've brought into the Rockhouse story at paragraph 79 where he says that he raised the issue with you and that you would seek the opinion of the mines inspector on the next visit?

A. That's absolutely correct.

Q. And that's what happened?

A. That is absolutely correct.

5 Q. And is it the case that mines inspector Mr Poynter thought the Alimak rise was an adequate means of escape as a second means of egress?

A. Kevin and I had the discussion at the base of the Alimak, I can't remember the exact day of that discussion but we had been inspecting a number of things around the mine and we ended up inspecting the new fan installation that had been put in place and whilst we were there we discussed the suitability of the ladder where the Alimak as a secondary means of egress.

10 Q. Is it the case that you learnt from Mr Poynter that he regarded it as an adequate means of egress, second egress?

A. He did confirm that, yes.

15 Q. Did you see or hear of any evidence that anyone could get up it, bottom to top?

A. Other than the evidence of people trying the trial evacuation there were a number of occasions where tradesmen regularly accessed up and down the shaft in question to put, I think it was fibre optic cable that they put in place. And I'm aware of other occasions where members of McConnell Dowell had actually been up and down that particular part of the mine.

20 Q. Did Mr Poynter go up it?

A. No he did not.

25 1615

Q. And you didn't?

A. No I did not.

Q. So is it fair to say that by the time of the explosion on 19 November, the future of the Alimak rise as the secondary means of egress was still on the table?

30

A. I'm sorry you'd have to...

Q. Was it still an issue for you?

A. Yes. Yes.

Q. It was a matter still of concern to you?

A. It was a matter of concern, it had been raised to me through the on-site safety committee and as a result of a number of concerns with respect to the suitability of the Alimak rise as a second means of egress, as I've
5 said in my evidence a study was commissioned to find a more appropriate and functional final second means of egress.

Q. Now I want to come now to the – I'm just going to ask to be brought up please a document which is DOL2000010004/5 and this is, when it comes up, I'll get it into the record, is a document which records
10 calendar items, "Workplace assessment visit, start date 12 August 2010." It records, just familiarise yourself with that please.

WITNESS REFERRED TO DOCUMENT

Q. You see the start date is 12 August 2010?

A. Yes.

15 Q. And you'll see the description, "Travel to Pike River and meet with manager Doug White issues raised?"

A. Yep.

Q. And then paragraph 4, could we blow that up please, can you see that, for the record the existing second egress is through the shaft. This
20 allows the evacuation of employees one at a time up the ladderway and while this meets the minimum requirement, it is agreed a new egress should be established as soon as possible?

A. That's correct.

Q. And that really was the state of play as at 19 November?

25 A. Yes.

Q. And the one at a time means what to you? You can only go one at a time, can't you?

A. One at a time in as much that I think the maximum capacity of the ladder was eight, so one after the other, not people side by side or in
30 multiples of more than one.

Q. So eight in total, eight in total in single line?

A. That is my understanding, yeah.

Q. Now I want to come to the issue which touches on this or links to this, and that is the evidence now available of what may have occurred on the 19th of November after the first explosion. Could you refresh my memory as to whether you attended the Coroner's inquest?

5 A. No I did not sir.

Q. Your evidence was read to the Coroner?

A. Yes it was read by Ms Shortall.

10 Q. Yes. And I'm not sure if you're aware of what happened at the Coroner's inquest but, there was a police brief of evidence read by Superintendent Knowles?

15 A. I think to be fair it's worth explaining I was actually in Scotland attending the memorial service of one of the men and I wasn't aware, I wasn't aware of the entire proceedings. The – some of the proceedings are actually broadcast on television in the United Kingdom, but obviously not the whole proceedings.

20 Q. Right. Now all I'm concerned to do is to establish what was said at the Coroner's inquest and then put later events into context. So, I'm going to take you to this – I'll just ask you, were you aware of the explosive – the expert evidence of the explosive effect of the explosion within the mine? Did you read that evidence?

A. No I did not.

1620

Q. Or the medical evidence that was given, including the pathologists?

A. No I did not.

25 Q. In the Commission's evidence so far, there is a document which is INV.01.27510/4 and it records a statement that I made to the Coroner, His Honour Judge MacLean in this Court, following receipt of evidence before the Coroner's inquest that day. And it speaks for itself but on the next page, which is obviously page 5, as counsel for the families, I put a position based on what the families understood from the medical
30 evidence available in these words, and I'll ask the passage to be blown up. It's in the fifth line, starting the fifth line, the last word, "The cause of death taking all possibilities was exposure to either explosive force

instantaneous or otherwise acute hypoxic hypoxia and death was likely within, as the evidence indicates, three to five minutes.” That was a submission made and the police solicitor or counsel, Mr Zarifeh addressed the Coroner and said he could not add anything and didn’t
5 take issue with what I had summarised to the Coroner. The Coroner subsequently issued a finding, not specifically in those terms but bringing this to account, in other words, death by explosive effect, acute hypoxia or shortly afterwards from the other forces that were described in the evidence. Now, one of the passages of evidence that was not
10 given but read into the record was that of a Dr Griffiths and Dr Griffiths’ written evidence, and I’m going to produce this to the Commission in due course, recorded this in the written form as provided to the families and to the Coroner, “Donning self-contained self-rescuers would not improve survival as these work by absorbing the carbon monoxide
15 content of expired air. In the presence of such a low oxygen partial pressure, caused by the displacement of oxygen by methane which is not removed by the catalyst, death from hypoxic hypoxia would still occur rapidly.” Now, that written evidence which I see you raising your eyebrows at, did not actually appear or seem to disappear from that
20 medical evidence because that statement on the face of it would not be correct?

A. No, it’s incorrect, that statement sir. I think it’s worth explaining that the statement is making reference to what’s more commonly known as a
25 W65 self-rescuer which uses a chemical called hopcalite, to convert carbon monoxide into carbon dioxide and the self-rescuers available at Pike River were oxygen generating self-rescuers that used potassium superoxide to generate oxygen.

Q. So what looked like, well, if someone got to the self-rescuer wouldn’t make any difference, of course, would be wrong, as we’ve heard.
30 These self-rescuers work in the atmosphere that may be expected after a methane explosion?

A. Correct.

Q. Now, sometime after the Coroner's Inquest, there arose some material in the families' hands which you know about?

A. Yes.

5 Q. Which was derived from a CALS scan taken on the 24th of November last year?

A. Correct.

1625

10 Q. The day of the second explosion. And I'll just try and shorten this, just before the second explosion the CAL scan was taken by a group of people and amongst those people include – were Mr Bevington who was an electrician at Pike River?

A. Correct.

Q. And Mr Taylor was involved in the CAL scanning?

A. Yep.

15 Q. And they made their way back just missing the exterior and force of the second explosion didn't they?

A. That's what I'm told sir.

20 Q. And that night, you've corrected your evidence now not the 25th of November but, that night this CAL scan was seen? It was viewed by a number of people at the Pike River Mine?

A. That is also correct.

Q. And as your evidence states, when this image came up on the screen of what looked like two self-rescue boxes, one open, that certainly was the impression that you first held as you viewed that image?

25 A. That is correct.

Q. And were you aware that those rescue boxes were there in that place?

A. Yes I was.

Q. And were you aware that they contained self-rescuers?

A. Yes they did.

30 Q. And as your evidence indicates, your response was to say, "Well effectively we've got to check this out, we don't say anything about this at this stage?"

A. At that stage that is correct. That has been consistent with any evidence that's been uncovered in the course of the unfolding.

5 Q. Yes. Now, to shorten the subsequent sequence, while the families saw a CAL scan or piece of a CAL scan taken at that time, the actual image which so attracted the attention of people who were at that meeting that day, only came to their attention a couple of months later, you're aware of that aren't you?

A. I'm sorry you'll have to put that to me again.

Q. The actual image of the self-rescuer box open –

10 A. Yeah.

Q. – only came to the families attention a couple of months later?

A. Later than when the CAL scan was taken.

Q. Well yes and after the inquest?

A. Yes.

15 Q. And you're aware of the inquiry that was made about that to try and determine whether, as it seemed, here was something to be looked at, namely an open self-rescue box, perhaps the self-rescuer was taken from it?

A. Yes I'm aware of that.

20 Q. Are you also aware from having read the evidence if you have in this Royal Commission, that the police have now for many months been engaged in trying to analyse and rationalise whether that is an open self-rescuer box and self-rescuers have been taken from it?

A. I am aware that efforts have been made to try and establish that yes.

25 Q. You're also aware I take it, that the issue has been of great concern to the families over many months as to what in fact it does disclose or tell them?

A. Absolutely yes.

30 Q. Your impression was that it was an open self-rescuer box, and am I right that remains so?

A. My impression is that that was a rescuer box with the lid open yes.

Q. If a man had accessed the self-rescue box and a self-rescuer which suggests either having used the self-rescuer they were carrying and

getting another self-rescuer or going to it first, I'm just looking at the possibilities, we have a period of time or use of that according to the presumably the person's physiological response to the atmosphere they're in and what they're doing as Daniel described yesterday?

5 A. Yes.

Q. Under acute pressure or stress it will not run its full course, its full time?

A. The rescue device?

Q. Yes.

A. It, as I said earlier on the amount of time that a rescuer will last will
10 depend on a number of factors and if you're under duress it may well be that it will not last the given time that's allocated for it.

Q. Now in the fresh air base, which had these self-rescue boxes, there was also a fire box wasn't there or box that contained a phone?

A. There was equipment that contained fire fighting equipment yeah, sorry
15 a box that contained fire fighting equipment.

Q. For your part there's no confusion, the picture you see is of a self-rescue box?

A. Absolutely no confusion.

1630

20 Q. Are you aware whether the brattice at the fresh air base was down following the explosion?

A. From the CAL scan image, it would appear that the brattice was still in the rolled up position.

Q. Yes. Now Mr Moncrieff's evidence is to that affect. Have you read
25 Mr Moncrieff's evidence, still to be given?

A. No, I have not.

Q. Well, it's in the system, I'm sorry. But that is your impression, what you've seen?

A. That is my impression, yes.

30 Q. And it follows that the security or the air tightness behind that brattice was not available or not taken by any man who was there, so reconstructing events, it would seem if someone got a self-rescuer or self-rescuer's from there, we then in terms of anticipating what

happened, or trying to work out what happened, we don't know where they'd have gone, but they wouldn't have gone up the Alimak shaft, would they?

5 A. That is a fair assumption, but it's not – it's something that we can only speculate on. It's – I have to say that that's one of the questions that's troubled a number of people is to, if someone did open that box, if that was the reason that the box was opened, it was opened by someone, the question remains that seeing that the box was in a stub right at the top of the drift and the drift is a straight line over 2.4 kilometres roughly, 10 the question remains where did that person go, if in fact someone did open that box.

15 Q. And what I'm putting to you, and you're a person with deep knowledge in underground, the Alimak rise is not a likely prospect with all the gas and smoke that was likely to be going up that shaft, quite apart from the steepness of it?

A. Yeah. I think given people's knowledge of the Alimak shaft and I could only talk here of the fact it was mentioned at the induction, that they would probably not attempt to go up the shaft, they would more than likely try to attempt to go straight out of the drift.

20 Q. And in the pieces of information available, we do know there was no contact or sound made from within the mine, don't we?

A. Correct.

25 Q. Do you know why the information about the self-rescue box and your impression of it was not conveyed directly to the families after the 24th of November?

30 A. The information that I had to hand, and I can only speak for myself, sir, is that with all the events that happened after that occasion, another two explosions, the various rescue attempts – sorry, not rescue attempts, but the organisation of GAGs and various other activities, the information for my part, and these are my words, was lost in the fog of everything else that was going on, but other than myself there were other people that were aware of the rescuer box being open. I can't comment on what they know or what they would've passed on.

Q. See, one of the subjects for this Royal Commission to examine is the communications with the families for the men who died?

A. Yep.

5 Q. And for the families the question is alive and your evidence here is alive for them as to why it wasn't conveyed and you've said, "Lost in the fog", but do you understand the significance of the discovery of facts like this which may be a product of years of reporting and writing on topics such as this?

A. Absolutely.

10 Q. Did anyone say to you, "Doug, Mr White, you know, we've got to deal with this issue and get it out in front of the families"?

A. No, no.

Q. Or to the contrary –

A. Sorry?

15 Q. Or to the contrary, did anyone say –

A. That it shouldn't be released?

Q. Yes.

20 A. No. The only comments I can remember being made were on the night where I requested that the information not be released until we could verify what it was.

Q. And when did you verify what it was?

A. I think it was some days after I visited the Greymouth Police Station and viewed the CAL scan image again with Inspector Mark Harrison.

Q. And your view was confirmed or remained the same?

25 A. My view had remained the same. Since I've got – I say it remained the same, but I was shown a more enhanced version of the CAL scan image. The first one I saw from my recollection may well have been on the night that you mention, but I'm absolutely sure that the more enhanced one I saw was after the meeting that I'd had on the 24th and it
30 did clearly show that the rescuer box was open.

1635

Q. One thing clearly you do understand is the need for frankness in dealing with families?

A. Absolutely.

Q. Were you aware of the other issue, which has bedevilled one family and some of the other families about a possible phone call from the mine after the explosion?

5 A. Yes I am. That came to light at some time during the night between the 19th and the 20th.

Q. Yes.

A. My understanding is it was investigated and it was proven not to be the case. That's my understanding.

10 Q. Do you know that that information and further information about that call said to have been made has been derived by that family, and still is being received by that family to try and clear up and resolve that issue?

A. No I'm not.

15 Q. And it links now to what I was going to deal with as a separate topic, and that is the communications with the families generally. You've read the briefs of the families, have you?

A. I have not read them all, so no.

20 Q. There was a theme amongst some of them, and I want to be quite clear that not every brief is of the same tenure and there is at least one, indeed there are more briefs which endorse the communications that were made with the family and information provided. The weight of them, however, goes against the communications made for various reasons, they're critical of a number of things. And Mr Monk's brief deals with the matters we've just raised, the need for frankness and
25 exposure of the truth, or the facts. When the incident occurred, when the explosion occurred, and you finally worked out who was underground, and the communications that had to be made, as I understand it the protocol or practice is to use the emergency contact details provided by the men. Is that right?

30 A. That is correct.

Q. So that may or may not be next of kin?

A. That's my understanding. It's whoever the men actually nominate.

Q. Yes. In a case such as this, which almost from the moment of the explosion attracts first local then national then international attention, there's a very high probability that the concern held by families and men who work there is going to be alive within if not minutes, certainly hours?

5 A. Absolutely.

Q. And they're thrown, unless they know where their man is, into a state of complete uncertainty?

A. I can accept that, yes.

10 Q. And what we also see for the briefs is that many families of course are like any modern families, they are not necessarily in the same place, nor are they necessarily together, divided by all the incidents in life that separate people?

A. That's correct.

15 Q. And that includes parents from children, brothers from brothers and so-on?

A. Yes sir.

20 Q. It's an open question because in the family briefs you see the distress of people who find out, or can't find out, what's going on 'cos they're not named as the contact person. Is this something you've confronted before?

25 A. It is actually something I've been confronted with before. As the mine manager of North Goonyella Coal Mine in Queensland, that's a mine where I believe Daniel Rockhouse now works, we had an incident where I was offsite, I was at a function in New South Wales, and it was reported in the media that someone had been killed at the mine. Of course to explain to people how the system at North Goonyella works is the men operate 12-hour shifts and they do what is a four-on, four-off system, so any one time half of the workforce is at home and the other half of the workforce is on the mine site. Now on that particular day the alarm was raised with me as a mine manager that someone had been
30 killed. It had already gone into the media that someone had been killed at the mine. On investigation no one had actually been killed at all. The fact the incident that happened did not even happen at North Goonyella

Coal Mine, it happened on a neighbouring mine, Goonyella Riverside Coal Mine, which was an open cut next to our mine and it involved someone getting a twisted ankle. Now, due to the fact that that information certainly upset me as a mine manager, I wanted to make sure as far as practicable, irrespective of the fact that it may take longer to get the information out, that the information was released was absolutely, as far as practicable, factually correct. So, I have been exposed to misinformation going into the press before.

1640

10 Q. Well, we're looking back some families in distress, but looking forward here, and please just give this a moments consideration, you have to know first of all who's there in the mine?

A. Yes.

15 Q. You have to have accurate information about what has happened to convey as best you can?

A. Yes.

Q. You have to respond to the miners or contractors instruction as to who should be notified?

A. Yes.

20 Q. And that must be kept up to date because people's lives change?

A. Yes.

Q. People need to be reminded about that?

A. Yes, and they were on many occasions reminded about updating their contact details.

25 Q. And perhaps some thought needs to be given to those who are in fact closely connected to the person underground, but for some other reason dislocated from that person so as not to get the news?

A. Yes.

30 Q. I want to pick up one or two matters that are contained in your evidence before. I'm not going to deal with the institutional exchanges that's for the institutions to deal with, Mr White, I'm going to ask you a couple of questions about your position as you perceived it with the other agencies, but I want to pick up the issue of recovery in this way. In your

evidence at paragraph 153 today, and as developed with Mr Haigh, you say, sub paragraph 2 in February this year, "That a mine stabilisation plan was formulated and presented to police and other government officials in Wellington, specific instructions not to mention recovery in the stabilisation plan," and you indicated that, you use the word "politics" in your answer and there was reference to "limited funds" in your answer and to Mr Whittall and to the receivers in your answer?

5

A. Yes.

Q. Why did you understand the question of recovery would not be raised in the material presented to the police and the government officials?

10

A. My understanding was that recovery, at that stage, was effectively off the table, that what was going to be discussed was stabilisation, in effect to try and get the mine stable with the funds that were available for the receiver and I actually developed a budget to enact that process, but it was made quite clear to me that recovery was not an option, that we were talking only about stabilisation.

15

Q. And from the answer then, your understanding seems to be that there was not enough money to embark on a recovery process?

A. In light of the fact that the original recovery plan, the budget from memory was \$10 million for the recovery plan, that was the whole budget to, in my estimate, to recover the mine and recover the personnel in the mine. In light of the fact that I was aware that there was only somewhere in the region of two and a half to \$5 million available, then it was obvious that the whole recovery could not be enacted with that amount of money.

25

Q. And does that link to the evidence you give at paragraph 151, when in 23 December last year, a plan for recovery was presented to police and government officials and the plan was rejected and you say, "In my view," and you believe shared by Mine Rescue, "Without good reason?"

30

A. Absolutely.

Q. Money again?

A. This is only my opinion because it was stated publicly by the Commissioner at the time that money was not the option, but I can't for

the life of me find any other reason than financial reasons why the plan was not put forward.

1645

5 Q. Now to keep it context, since those two matters you've referred to there, the rejection of what you considered a viable recovery plan and this going to Wellington on terms as it were, the Prime Minister has made it plain that money is not the issue. You've heard him say that?

A. I think I've heard him say that on more than one occasion sir.

Q. Yes he has, but the families have certainly heard him say that.

10 A. I think it's fair to say that myself and one of the family members along with Rob Ridl, the Prime Minister conveyed that to us personally, at a meeting that we had with him this year.

Q. And was that the meeting that was held in Greymouth?

15 A. No sir that was a meeting actually held in the Prime Minister's office this year.

Q. And while you've been coming to the family meetings until you signed off when you went to Australia, you have I acknowledge in this Commission, you have sought to advance the recovery as you described to the families?

20 A. Yes I have.

Q. And that included a staged re-entry down the drift?

A. Yes it did.

25 Q. And more recently you're aware that the proposals alive today and which were developed over the next probably two days of evidence include a walk-in through the drift?

A. I am aware that that is an option, yes.

Q. And that's a respirated walk-in as things stand today?

30 A. I – at this present minute in time I'm not aware of the detail of that, so no, but I am aware – people have been – I've been keeping in touch with – since I've gone to Australia I have been keeping in touch with people both family members and colleagues and I was made aware the other day that it's still an option that a walk-in can be done. Oh, there was a proposal to do a walk-in.

Q. And a walk-in, although it's a recovery – part of a recovery process potentially, we don't know how far up we'd go because you've got men respirated on an incline, but are you aware that as of today the air, the gas, the air in the mine appears to be suitable for such a respirated walk?

5

A. I'm aware that the conditions in the mine, I can't quote the exact percentages, but I did speak with one of my ex-colleagues last night and he informed me that the mine atmosphere was I suppose stable and I can't – he did quote an amount of oxygen and off memory I think he said it was something like 1.85%.

10

Q. Yes, less than 2%, the best it's been since the 19th of November and a further proposal in terms of recovery is a remote sealing at the top end of the drift. By that I mean the interior over the rock fall that is there using a substance called, "Rockseal," and then potentially, possibly having to seal out via that position, but two things are on the table today with an element to recovery and thus relevant also to accessing the drift beyond pit bottom stone to see what maybe there?

15

A. Yes I am aware of that yes.

Q. On a slightly different angle, in your evidence you refer to paragraph 143, subparagraph (2), when you made a request that the GAG jet engine be brought across from Queensland and that was rejected, or would not be ordered because it would appear people had given up hope, it would appear that people had given up hope. Where did that come from? Who thought that?

20

A. That came, I'm certain, well I can't be certain but I'm fairly certain at the time that was the view that was expressed not only by Mr Whittall but by members of the New Zealand Police at that time as well.

25

Q. But as I understand your evidence it was something you thought should happen for the purpose of stabilising the mine atmosphere?

30

A. That is correct sir yes.

Q. I don't want to cheapen, as it were the opposition to this by saying that it's a matter of appearances, but the way you've described the evidence or given your evidence is that it has that flavour of saying we shouldn't

do something which is such a pointer to the way we are perceiving the mine and its future?

A. I'm sorry you'd have to...

5 Q. The way you've given your evidence suggests that the concern held by whoever it was, whether it was Mr Whittall, the police or who it was, was that it looks as though the hope of getting the men out alive would be gone and that was the reason not to do it?

1650

10 A. That – yes, sorry, I understand that, that was – my understanding with the way it was put to me that any indication, had the GAG been ordered, would send a trigger perhaps that a hope had in fact been given up.

Q. You, in the same vein, at paragraph 142, subparagraph 4, you say that there was a rejection by decision makers in Wellington, in Wellington?

15 A. I'm sure that – I'm sure, although I can't be certain sir, but I'm sure that my communication was conveyed to people, and it was made quite clear that the GAG was not an option.

20 Q. You've mentioned two issues now, the one we've just discussed, why the GAG would not come and the question of funding, not involving recovery, at least at one stage of the process. Did you speak out about those things? Did you oppose those positions that people were adopting?

25 A. I certainly opposed the position taken about the GAG. I believed that whether or not the signal would've been sent out with respect to people thinking hope had been given up, that it was imminent – imperative, sorry, that the GAG should've been brought across earlier and could've been deployed earlier. Can you ask the first part of that question again please?

30 Q. I was looking to see whether you had spoken out about the two aspects that you've raised, that being the GAG and also the money being spent or not spent on recovery?

A. I had had discussions, I think it was with John Fisk at the time of developing the stabilisation plan and changing it from a stabilisation plan to a – sorry, changing it from a recovery plan to a stabilisation plan. I

had voiced concerns about the lack of funds available for the recovery, 'cos it was my firm belief that the amount of money required to have the recovery done under the plan I'd put together was not in itself a large sum of money compared with other things that had happened.

5 Q. And a final topic if I may begin it, I'll probably make good progress in the next seven or eight minutes, is it relates to the circumstances when the explosion occurred and the various agencies came on the scene. And the issue I wish to discuss with you is the assumption of responsibility. Who was lead in this process? And to condense this, I take your
10 evidence as a whole to mean that you believe that as the statutory manager that was your role, you would be in charge?

A. Yes. Yes, I did.

Q. That was as of the 19th and you therefore made the calls that you considered necessary in terms of the incident response.

15 A. Yes, I did.

Q. And you gathered around you as it were, the police, the fire, the ambulance and so forth, who came to Pike River?

A. As and when they arrived, yes.

Q. And, I'll try not to truncate this too much, but your evidence indicates
20 that it was on the Saturday, the 20th, that you realised in fact you were not the lead, as you learned there had been a statement by the police that they had assumed lead agency control?

A. That is correct.

Q. It would seem from your evidence that you then said, "Well, that's the
25 case, I will fall into a position where I will do all that I can working in harness with these other agencies"?

A. Absolutely correct, yes.

Q. Mr Smith, Robert Andrew Smith for Mines Rescue Services has written evidence for the Commission, have you read it?

30 A. I think I have read Rob Smith's evidence, yes.

Q. And he describes in detail coming to Pike River on the 19th and he was the MRS OIC. You read that he is slightly critical of the way things were happening at the time –

A. Yes, I have, yes.

1655

Q. He uses the word “chaotic”, but the thrust of the evidence was that, “let’s get everyone together and get on here.”

5 A. Yeah.

Q. We’re dealing with an unprecedented situation for you, anything like this aren’t we?

A. Yeah.

10 Q. But one comment he makes, I must ask you about, is that he says at paragraph 20, which is at MRS0016, I think page 5, that MRS struggled to get substantial information from Pike and the provision of information was intermittent so they had to search for it and make their own inquiries, were you aware of that, that sentiment?

15 A. I’m aware of it obviously having read Rob’s submission but until I’d read his submission, no I certainly wasn’t aware of that, it hadn’t been conveyed to me at that time.

20 Q. What seems clear from the evidence that we read from a host of experts and people involved in this sort of work, including Mr Singer, is that while there is always the prospect of the window of opportunity to go into the mine, that the hazards of going in with the unknown gas situation was such that it was not tenable, not viable to do so?

25 A. I think it’s fair to say that one statement actually cancels out the other that due to the fact that it was completely uncertain what the gas levels were with any certainty that there was, in my opinion, never a window of opportunity in that case.

30 Q. And that being the case, and I’m not going to go into that because that’s institutional, there then arose the question of whether, it seems clear from your brief and from others, that there would be in all likelihood another explosion in due course because of the perceived fire or heating and light?

A. It was a distinct possibility, yes.

Q. And that raised the very sensitive issue of how you deal with that in terms of preventing another explosion if you can because it means, of

course in sealing we're looking as though there was no rescue, or looking as though there was no rescue?

A. That's correct.

5 Q. And it's clear from the evidence that we read that the Department of Labour took a position to say if there's a zero plus anything percent chance of life there will be no entry?

A. That's also correct, yes.

10 Q. Now without your putting a percentage on it like that, there must be a point in any one of these situations where you have to come to a decision as to whether the time has come to seal a mine?

A. That's fair to say at some stage you would come to that decision.

15 Q. And the one thing I want to ask you about is that in all this evidence there appears to be, before the second explosion on the 24th of November, the notion of a partial sealing, which won't take all the oxygen flow out of the mine but will in some way potentially succeed in putting out the fire or preventing the explosion?

20 A. I do recall having conversations with Rob Smith with respect to the potential for a partial sealing. It was never fully risk assessed. The issue being that to try a partial sealing and restrict the amount of air that actually was flowing into the mine could in fact bring on another explosion.

1659

Q. And Mr Singer's evidence, of course, refers to that possibility, you've read that?

25 A. I have read Mr Singer's evidence, yes.

Q. It was plainly a very sensitive moment in-between the 19th and the 24th, when the question of sealing was really right on the table from Mines Rescue Services perspective. Do you remember the exchanges that took place about this?

30 A. I don't remember all the exchanges, it's got to be borne in mind that for that period I was actually on night shift and the exchanges that I had were with, mainly with Rob Smith and Troy, whose second name I can't remember, but were active members.

Q. Stewart?

A. Yeah, Troy Stewart, I wasn't actually involved, and can't remember being involved and certainly wasn't involved on day shift with any discussions that were taking place at higher level.

5 Q. I just want to read this bit to you before I finish. It comes from MRS0016, page 11 and it's a meeting that takes place on 21st of November and it says that, after MRS explains it's sealing plan and presents it, Mr Smith was getting a bit tired and angry at lack of progress. MRS had been working on the plans, following page,
10 paragraph 53, sealing plans, recorded all the materials required and the plan was completely in hand.

WITNESS REFERRED TO MRS0016, PAGE 11

A. It's page 7.

Q. Do you see that?

15 A. No I'm looking at page 7.

Q. You'll see it. Sorry, I'm working from the numbering I've been given, is it Sunday 21st, thank you, would you read that. Well, I read to the bottom of the page, I'll go onto the next page. "MRS was ready to do the job, the contractors required were on call, I smashed my hands on the table
20 and said to Michael Firmin from DOL, 'You need to look at this thing seriously, you need to look at it with a bit more common sense and be realistic about the whole process. I must try to move on and say we've given these men 48 hours to walk out, if they're gonna walk out of the mine they would've walked out by now.'" That was his view?

25 A. Yes.

Q. There are other views of course expressed. What was your view at that stage?

A. I honestly could not tell you what my view at that stage was now, but it was becoming obvious to me it was less likely that people would be
30 coming out of the mine.

Q. I realise it's a very touch question, the problem is it's a question the families asked themselves.

A. Yep.

1702

Q. And perhaps the fairest way to leave the point with you is that there were different views being expressed; some strongly like this, others strongly against of the kind I've just read to you?

5 A. Yes.

MR MOUNT ADDRESSES THE COMMISSION – HEARING PLAN

LEGAL DISCUSSION - (17:03:21)

COMMISSION ADJOURNS: 5.05 PM

INDEX

DOUGLAS HUTTON KIRKWOOD WHITE (AFFIRMED)	1116
EXHIBIT 16 PRODUCED – BUNDLE OF DOCUMENTS	1196
CROSS-EXAMINATION: MR DAVIDSON	1197